



Emergency Management Division

Washington State Military Department

Hazard Mitigation Grant Programs



(Interstate 5, December 2007 Flood – Washington Department of Transportation photo)

Administrative Guidelines, Procedures and Grant Application

Updated March 2008

Life, Property, Environment, and Economy



Emergency Management Division

Washington State Military Department

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Emergency Management Division

Washington State Military Department

Washington State Mitigation Grant Programs

***Chapter 1* Administrative Guidelines and Procedures**



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Life, Property, Environment, Economy



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Mitigation Grant Programs Administrative Guidelines and Procedures

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I. INTRODUCTION

A. Purpose of Document

Hazard Mitigation Grant Programs Administrative Guidelines and Procedures, March 2008 (herein referred to as the Administrative Plan) establishes the guidance, rules, and procedures used by the Washington State Military Department, Emergency Management Division (hereafter referred to as the Division) to administer the following mitigation grant programs funded by the Department of Homeland Security, Federal Emergency Management Agency (hereafter referred to as FEMA):

- Hazard Mitigation Grant Program (HMGP), authorized under Section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act of 1988, as amended (42 USC 5170c), and 44 CFR Subpart N.
- Pre-Disaster Mitigation (PDM) program, authorized under Section 203 of the Stafford Act (42 USC 5133).
- Flood Mitigation Assistance (FMA) program, authorized under Section 1366 of the National Flood Insurance Act of 1968, as amended (42 USC 4104c), and 44 CFR Subpart 78 (for programs which opened before December 3, 2007) and Subpart 79 (for programs which open on or after December 3, 2007).
- Repetitive Flood Claims (RFC) program, authorized under Section 1323 of the National Flood Insurance Act of 1968, as amended (42 USC 4030), and 44 CFR Subpart 78 (for programs which opened before December 3, 2007) and Subpart 79 (for programs which open on or after December 3, 2007).
- Severe Repetitive Loss (SRL) program, authorized under Section 1361A of the National Flood Insurance Act of 1968, as amended (42 USC 4102a), and 44 CFR Subpart 79.

This Administrative Plan meets the requirements of 44 CFR Part 206.437. It is included by reference in the *Washington State Enhanced Hazard Mitigation Plan*, January 28, 2008. Both documents are part of the state's Comprehensive Emergency Management Plan (CEMP) in accordance with RCW 38.52.

B. Intent of the Programs

The intent of the mitigation grant programs is to reduce the risk of future damage, hardship, loss, or suffering as a result of major disasters by providing financial support to implement cost-effective hazard mitigation measures to eligible applicants around the state. In addition, the purpose of the flood-related mitigation programs is to reduce or eliminate claims under the National Flood

Insurance Program. Mitigation measures should be identified as part of the mitigation planning process of state and local governments, required as a condition of receiving federal disaster assistance.

C. Eligible Applicants

Eligible applicants include agencies of state government, local governments (city, town or county), special purpose districts, Indian tribes, and certain registered private nonprofit organizations with like-government services and critical facilities.

For the PDM and three flood-related programs, non-profit organizations are ineligible to apply directly and must be sponsored by an eligible local government (city, town, or county).

To be eligible to apply to the state of Washington for a project grant from any of the mitigation grant programs, applicants (also called sub-grantees) must:

- Be participating and in good standing in the National Flood Insurance Program (NFIP), or its successors OR located in such a community.

The only exception to this requirement is for jurisdictions that seek grant funding to develop a new hazard mitigation plan under 44 CFR Part 201. These applicants will be required to join NFIP as part of a hazard mitigation planning grant award and prior to receiving FEMA approval of their plan. This requirement pertains to jurisdictions with authority over land use and includes cities, towns, and counties, and to federally recognized Indian Tribes.

- Be compliant with all appropriate requirements of the state's Growth Management Act (RCW 36.70A) OR be actively working toward resolving issues identified as non-compliant by one of the state's Growth Management Hearings Boards. However, if the proposed project (e.g., elevating homes in the floodplain) relates to the identified non-compliance issue (e.g., floodplain regulations), then the project would not be eligible for mitigation grant funding.
- Have a FEMA-approved hazard mitigation plan developed under 44 CFR Part 201 prior to close of the application period (PDM, FMA, RFC, SRL) OR prior to receipt of grant funding (HMGP).

*NEW – For any HMGP application period that opens on or after October 1, 2008, an applicant **must** have a FEMA-approved hazard mitigation plan prior to the close of the application period.*

For the flood mitigation programs, only communities as defined in 44 CFR Part 78.2(b) / Part 79.2(c) are eligible to apply; they also must meet the other state criteria.

II. RESPONSIBILITIES

A. State Government

The Division administers the mitigation grant programs defined in this document. The State Hazard Mitigation Programs Manager is the individual within the Division responsible for administering these programs.

In administering the mitigation grant programs, Division staff will:

- 1) Develop and/or distribute grant guidance, funding criteria, and application forms.
 - a) For HMGP, the Division may limit the number of applications allowed per eligible applicant, and the maximum project budget/grant award, based on the projected funding available for the disaster.
 - b) For other mitigation programs, FEMA will publish the number of applications and maximum federal grant award in annual program guidance.
- 2) For HMGP: Make recommendations to the Division Director on the scope of the program for the Governor's request for federal assistance - Presidential disaster declaration. This may include:
 - a) State-wide or county-specific application of the HMGP.
 - b) A list of communities, jurisdictions, and agencies with an approved local hazard mitigation plan.
 - c) A list of communities, jurisdictions, and agencies with a local hazard mitigation plan under development, under review, and pending approval.
 - d) A review of the entities in the disaster-impacted areas that have approved plans and those that may not have approved plans at the time of the event.
- 3) Solicit qualified mitigation planning or project proposals from eligible applicants.
- 4) Provide technical assistance to eligible applicants as resources permit. This may include applicant briefings on program specific issues, application development and/or cost benefit workshops, site visits to validate potential mitigation measures, and review of draft applications prior to formal submittal of program applications. At a minimum, applicants will be provided copies of the "Application Development Guide."
- 5) Prioritize projects for funding:
 - a) HMGP – Convene, as needed, the Mitigation Grant Review Committee to review, evaluate, prioritize and recommend projects for funding.

- b) Other programs – Division staff reviews applications for compliance with published program guidance and prioritizes as necessary using established criteria (see Appendix 4).
- 6) Forward funding recommendations to FEMA for final approval.
- 7) Withdraw projects from consideration, if necessary.
- 8) Develop grant agreements with and administer distribution of funds to applicants.
- 9) Submit quarterly and final reports to FEMA.
- 10) Monitor Sub-grantee performance and arrange for a final engineering inspection, as necessary.

B. Applicant

Representatives of the applicant are responsible for:

- 1) Identifying potential mitigation projects.
- 2) Establishing local priorities, submitting Letters of Intent, and applications to the state for funding consideration.
- 3) Providing information necessary to comply with the National Environmental Policy Act (NEPA) and to support FEMA in its environmental and historic preservation analysis.
- 4) Providing information and data that will enable the state to:
 - a) Conduct benefit to cost analysis (note: applicant may prepare its own cost-benefit analysis using FEMA-approved methodology and software modules).
 - b) Conduct environmental and floodplain management reviews.
 - c) Determine potential historic or archaeological impacts.
- 5) Submitting invoice vouchers with appropriate documentation for reimbursement.
- 6) Submitting quarterly and final reports to the Division.
- 7) Assisting with performance reviews and project inspection by Division staff.

As part of the project identification process, applicants are required to have developed and adopted a FEMA-approved local hazard mitigation plan that meets the criteria of 44 CFR Part 201.6 (local governments, special districts, etc.) or Part 201.7 (Indian Tribes). This plan must identify the hazards, risks, and vulnerabilities of each eligible community. Proposed solutions, both short-term and long-term, also must be a part of the hazard mitigation plan.

The Chief Executive Officer of the applicant, or the appropriate legislative body, must designate an Applicant Agent specific to the individual mitigation grant program. The Applicant Agent represents the applicant to arrange for work, monitor and evaluate work completed, and provide all required documentation to the Division. The Applicant Agent must have authority to sign on behalf of the Applicant, such as legally binding the Applicant in the grant agreement.

C. Federal Government

The Administrator of FEMA Region X will review the Division's recommendations for funding mitigation planning initiatives and mitigation projects. FEMA has the final approval authority for grant awards for all plans and projects. FEMA is responsible for preparing environmental review documents on the submitted projects to comply with the National Environmental Policy Act (NEPA).

III. FUNDING OF ELIGIBLE PROJECTS

A. Federal

Funding for the mitigation grant programs varies: for HMGP, it is by disaster; and for PDM, FMA, RFC, and SRL programs, it is by annual Congressional appropriation.

FEMA approved Washington's enhanced hazard mitigation plan approved on January 28, 2008. As of this date, and for the following three years, the maximum amount of HMGP funding for each disaster will be up to 20 percent of the federal expenditures for the disaster, under all categories of the Public Assistance and the Individual Assistance programs, less administrative costs.

Only upon formal notification by FEMA that a sub-grantee's application and funding documents have been approved, will the Division develop a grant agreement and obligation of federal funds for a specific planning initiative or mitigation project for the sub-grantee.

B. Applicant

The Applicant's share of the project costs may be composed of applicant-generated revenue and private sector resources (loans, etc.). In some situations, other state grant funds and Community Development Block Grant funds can be used as part of the local match, as long as not precluded by law.

Applicant contributions also can be in the form of documented in-kind services. Volunteer labor and materials, actual in-house labor and equipment costs, are some of the types of in-kind services that may be considered as part of the applicant share.

C. State

For the HMGP, the Division's share of the project costs is established in the FEMA-State Agreement signed by the Governor. Historically, the Division's share of project costs has been one-half of the non-federal share of the approved project costs for applicants. Upon approval of the State Office of Financial Management and the Legislature, the Division may be responsible for the entire

non-federal share for state agencies receiving HMGP funds. For the PDM, FMA, RFC and SRL, the entire non-federal share is a local responsibility; no state funds are provided.

The Division provides grant funding to sub-grantees on a reimbursement basis. Prior to the disbursement of any awarded funds, the Division and the Applicant will execute a grant agreement outlining agreed-upon costs, reimbursements, scope of work, and estimated completion schedules. The Division develops grant agreements following project approval and receipt of funding documents from FEMA.

For all grants, the Division maintains a grant agreement folder that contains a copy of the mitigation program application, a copy of the grant agreement and applicable contracting documents, funding documents, any amendments or changes, quarterly reports, A-19s (invoice vouchers) with supporting documentation, and any correspondence. The grant agreement will establish the period of performance for each grant as well as established benchmarks (attachment 2 of the grant agreement). The Division will utilize the Applicant's quarterly report as the primary method of monitoring applicant performance during the grant performance period, but also may make site visits as necessary. For more information, please see Chapter 3, *Guidelines for Approved Projects*.

IV. GRANT MANAGEMENT

HMGP

In accordance with 44 CFR Part 207, effective for major disaster declarations declared after November 13, 2007, the Division can request FEMA provide a grant equal to 4.89 percent of the federal share of the estimated eligible programs costs for administration of the Hazard Mitigation Grant Program. The grant is awarded after the Division provides adequate documentation to FEMA, which supports the costs and activities for which the funding will be used. Management costs are defined in Part 207.2 as "... any indirect costs, administrative expenses, and any other expenses not directly chargeable to a specific project that are reasonably incurred by a grantee or sub-grantee in administering and managing the ... HMGP grant award."

These grant funds will partially reimburse the Division for its costs to support activities to administer and manage the HMGP. These costs include the regular time and overtime as well as the associated fringe benefits for the Division's permanent, project, and non-permanent staff and disaster reservists that support the HMGP. The costs for goods and services, travel, per diem, and lodging, also are components of the Division's administration and management costs.

In addition, the Division will pass through to sub-grantees an indirect allowance for their costs associated with the administration and management of their

approved planning initiatives and mitigation projects. This allowance is based on the final eligible costs approved by FEMA for a sub-grantee's HMGP-funded planning initiative or project, using the following formula:

For the first \$100,000	3 percent
For the next \$900,000	2 percent
For the next \$4,000,000	1 percent and
For the costs exceeding \$5,000,000	0.5 percent

The Division will pay the sub-grantee indirect administrative allowance after the sub-grantee's planning initiative or project has been completed, approved for closure, and following receipt of certification by FEMA of the actual amount expended.

The sub-grantee must maintain documentation on all expenses attributable to obtaining, administering and meeting the audit requirements of its HMGP grant. The sub-grantee is not required to provide copies of the receipts to the Division. Activities and costs that can be charged directly to a HMGP planning initiative or project with proper documentation are not eligible for funding under this allowance.

The Division will track funds expended for sub-grantee indirect administrative allowance for each sub-grantee on its payment spreadsheet, as well as cumulatively for all sub-grantees for that disaster.

1. Determination of Management Cost Funding

- a) Between 30 and 35 days after the declaration date, FEMA will provide the Division with the preliminary lock-in amount for management costs based on projections at that time of the federal share for the disaster. FEMA will obligate 25 percent of the estimated lock-in amount at this time.
- b) At 6 months after the date of declaration, FEMA will revise the preliminary lock-in amount for management costs based on the projections at that time of the federal share for the disaster.
- c) At 12 months after the date of declaration, FEMA will determine the final lock-in amount for management costs based on the projections at that time of the federal share for the disaster.

2. Procedures for Requesting Management Cost Funding

- a) Following notification by FEMA of the preliminary lock-in amount, and within 120 days from the declaration date, the Division will submit a HMGP project narrative that describes the activities, projected personnel requirements, sub-grantee allowance, and other costs related to the management of the program for that

disaster. Documentation to support the management activities, sub-grantee allowance and associated costs will include:

- (1) The Division's plan for expending and monitoring the funds and ensuring sufficient funds are budgeted for grant closeout; and
 - (2) An estimate of the percentage of pass-through funds that the Division will make available to sub-grantees and the basis for determining the sub-grantee percentage.
- b) FEMA will approve or reject the HMGP project narrative on management costs within 30 days of its receipt.
 - c) If FEMA rejects the initial narrative, it will provide to the Division definitive reasons for the denial as well as clearly identify the additional documentation required for approval. The Division will have 30 days to submit a revised narrative for consideration and approval.
 - d) At 6 months after the declaration date, the Division may request an additional obligation of 10 percent of the management cost funds, based on the revised 6-month preliminary lock-in amount. This request for additional funds will include documentation to support the request.
 - e) At 12 months after the declaration date, FEMA will notify the Division of the final lock-in amount. The Division will submit a final funding request, based upon the final lock-in amount, to the FEMA Regional Administrator. The final funding request will include any necessary revisions to the required supporting documentation. FEMA will obligate the remaining funds upon approval of the final request.

3. Quarterly Reports

The Division will provide quarterly reports on actual expenses of HMGP management costs following approval and funding of the initial HMGP project narrative. Sub-grantees will report actual expenses of its HMGP management costs on its quarterly report to the Division.

4. Performance Period

The performance period for the HMGP management costs will be 8 years from the date of disaster declaration, or 6 months following the latest performance period date of a sub-grantee project, whichever is sooner.

PDM, FMA, RFC, SRL

For the PDM and SRL programs, applicants can include project management costs, up to 5 percent of the total project costs, as part of the project budget in

their grant application. FEMA makes funds available only upon approval of the application.

Management funds are not available for the FMA or RFC programs.

V. PROJECT ELIGIBILITY REQUIREMENTS

A. Federal Criteria

In addition to the federal requirements (See 44 CFR Part 206.434, Appendix 2), a project must:

1. Solve the problem it is intended to address;
2. Be located in a community participating in good standing in the National Flood Insurance Program;
3. Meet all applicable federal, state, and local permit requirements, and not contribute to or encourage development in the floodplain, wetlands, or other hazardous areas, and support environmental justice (Federal Executive Orders 11988, 11990 and 12898); and
4. Be cost effective in that it:
 - a. Addresses a problem that has been repetitive or that poses a significant risk if left unsolved.
 - b. Will not cost more than the anticipated value of the reduction in both damages and subsequent negative impacts to the area, if future disasters were to occur.
 - c. Has been determined to be the most practical, effective, and environmentally sound alternative after consideration of a range of options.
 - d. Contributes, to the extent practicable, to a permanent or long-term solution of the problem it is intended to address.
 - e. Considers long-term changes to the areas and entities it protects, and has manageable future maintenance and modification requirements.

B. State Criteria

In addition to the above criteria, a project also must support the hazard mitigation goals and objectives in the Washington State Enhanced Hazard Mitigation Plan as well as the local mitigation plan. Specifically, these projects should:

1. Support the goals and objectives of the community's adopted/approved local hazard mitigation plan.
2. Protect lives and reduce public risk.
3. Reduce the level of disaster vulnerability in existing structures.
4. Reduce the number of vulnerable structures through acquisition, relocation, flood proofing, or seismic retrofitting.

5. Avoid inappropriate future development in areas known to be vulnerable to future disasters.
6. Solve a problem independently, or function as a beneficial part of an overall solution with assurance that the whole project will be completed.
7. Provide a cooperative, inter-jurisdictional solution to reduce future disaster damage.
8. Provide a long-term mitigation solution.
9. Address emerging hazard damage issues such as urban stormwater, trees in power right of ways, new earthquake faults, etc.
10. Restore or protect natural resources, recreation, open spaces, and other environmental values.
11. Develop and implement comprehensive programs, standards, and regulations that reduce disaster damage.
12. Increase public awareness of natural hazards, preventive measures, and emergency responses to disasters.
13. Upon completion, have affordable operation and maintenance costs.
14. Illustrate how the project improves the Applicant's ability to protect its critical areas defined by the Growth Management Act (GMA), and generally supports the goals of the GMA.

Eligible jurisdictions that are not yet participating in the National Flood Insurance Program will be required to join NFIP as part of a hazard mitigation planning grant award. They must join before the Division submits the local hazard mitigation plan to FEMA for review and approval. Eligible jurisdictions are those with authority over land use and include cities, towns, counties, and federally recognized Indian Tribes.

VI. SOLICITATION OF APPLICATIONS

While each of the mitigation programs has a different funding mechanism, the basic process to solicit applications is the same.

Following a Presidential Declaration of a major disaster in the state of Washington, the State Hazard Mitigation Programs Manager, will publicize the HMGP and inform potential applicants of the availability of mitigation grant funding in a variety of ways.

At a minimum, Division staff will provide information on the HMGP during Public Assistance program applicant briefings, and send information via email to local Emergency Management offices statewide, participants in the Public Assistance program, Washington State Association of Counties, Association of Washington Cities, State Agency Liaisons, Indian Tribes, and other interested parties and eligible applicants. Division staff also distribute information at all mitigation training and briefings, and will post information on the Division's web page. At their discretion, the Division and FEMA may issue a joint press release describing the program may be issued.

Information disseminated about HMGP will include basic program information and requirements, "Letter of Intent" (LOI) for mitigation planning initiatives and projects, program timeline and application deadlines, and a point of contact for further information. After the Division analyzes Letters of Intent it receives, it will send full application packages to eligible applicants with potentially eligible applications.

Depending upon the scope of the disaster and projected amount of available funds, the Division may limit the number of applications each eligible applicant can submit, and limit the size of each planning initiative and project. The Division will share this information with potential applicants as early as its announcement of HMGP availability, but no later than the date at which it provides applications to potential applicants.

For other mitigation programs, the Division will notify communities of their availability upon receipt from FEMA of the Notice of Funding Availability. The Division will use a Letter of Intent process similar to that used for HMGP for the other mitigation programs as well. Notification typically will be via email through the local Emergency Management agencies, the Association of Cities, and the Association of Counties, and to other eligible applicants, as well as posting information on the Division's web page. The division will base LOI and final application deadlines upon the dates that the state must submit its application materials to FEMA. Application for these programs will be through FEMA's Internet-based *eGrants* system.

VII. PROJECT IDENTIFICATION - HMGP

In addition to the project application process outlined above, the State Hazard Mitigation Programs Manager may identify and encourage appropriate mitigation projects through the following processes:

- A. Briefing Preliminary Damage Assessment survey teams on the Hazard Mitigation Grant Program and enlist their help in identifying potential mitigation projects and issues.
- B. Briefing the Public Assistance Project Worksheet Teams that will complete inspections of damaged facilities so that they may identify projects.
- C. Reviewing unfunded grant applications from prior declared disasters, activities, or state priorities.
- D. Reviewing local hazard mitigation plans from declared jurisdictions.

VIII. PROJECT CRITERIA – HMGP

In addition to meeting the state and federal criteria, HMGP project applications must document the following. Applications that do not have these items will be **INELIGIBLE** for funding consideration.

- A. Development of at least three (3) viable alternatives, one of which may be a “No Action” alternative. Under the National Environmental Policy Act, FEMA requires that the three alternatives be fully developed and documented. The applicant must find the Proposed Action alternative (the recommended project) as the most practical, effective, and environmentally sound alternative after considering a range of options.
- B. Recent public involvement in the selection of the alternatives, including involvement of the individuals that may be affected by the project. Applicants must ensure that if the project impacts homeowners, the Proposed Action alternative is similar to the one advertised to the public, unless documentation from the public meetings indicates that another alternative has the support of the impacted public.

Recent public involvement is defined as local citizen involvement within one year from the time the Applicant submits its application. For projects, the applicant must conduct a minimum of two public meetings – one of which must occur after the date of the disaster declaration – with published notice prior to submission of the application regarding a specific application. For planning initiatives, the applicant must conduct one meeting. Public meetings conducted prior to the dates noted above cannot be used to fulfill this requirement. Division staff will issue specific timelines for each declared event for the application process.

For other mitigation programs (PDM, FMA, RFC, SRL), annual program guidance describes how project alternatives are to be developed.

IX. APPLICATION PROCESS

HMGP

A. Submission of Applications to the State

The Division will solicit Letters of Intent (see Appendix 3) from applicants as described above. Upon receipt and processing of the applicant’s Letters of Intent, the Division will send HMGP applications (see Chapter 2) to the interested and eligible applicants for completion.

The Division will establish a date for completed applications to be returned, typically between 90 and 120 days from the date applications are mailed to potential applicants. This date will allow enough time for applicants to ensure compliance of environmental requirements and coordination with regulatory agencies, development of alternatives, and the public involvement process.

Applicants are encouraged to begin project identification through the local hazard mitigation planning process in order to meet application timelines. The Division

must have the state's complete application packet submitted to FEMA within 12 months of the disaster declaration.

B. Review, Ranking and Selection of Projects

1. Review Process

As required by 44 CFR Part 206.435, the Division will review all applications submitted by eligible jurisdictions for completeness, and to ensure they meet state and federal eligibility criteria. Additionally, Division staff will review the benefit-cost analysis submitted with the application or conduct its own based upon information provided by the applicant for the project. While not a scored element of the state's process, the benefit-cost analysis ensures that only cost-effective projects are reviewed and submitted to FEMA for funding.

All applicants will be notified whether their application passes this initial review threshold. There is no appeal of the Division's decision of an application's ineligibility.

If funding requested in the eligible applications exceeds the amount available, the Division will establish a Mitigation Grant Review Committee, to review, evaluate, and prioritize the applications.

The Mitigation Grant Review Committee normally will consist of at least five members, to include at a minimum, the following:

- a. Two individuals from the Division; normally the Mitigation and Recovery Section Manager (MRSM) and the State Hazard Mitigation Programs Manager (SHMPM)
- b. One designee from a state agency that deals with issues related to the particular type or nature of the disaster (example: Department of Ecology representative for floods).
- c. Two individuals representing local government either located outside of the declared disaster area or from a community not applying for HMGP funds.

The Division will seek local committee members that have experience in public works, engineering, land use planning, disaster grant administration, or other related experience. The committee also may consult experts from state, local, and federal agencies. The Division may seek the assistance of the Washington State Association of Counties and the Association of Washington Cities to provide names of potential local committee members.

Committee members will serve without compensation, but will be reimbursed for authorized expenses incurred in the performance of their

duties, in accordance with RCW 43.03.050 and 43.03.060, as now existing or hereafter amended.

The committee will review and prioritize those grant applications that pass initial eligibility screening. The committee will use the Hazard Mitigation Grant Program Evaluation System (see Appendix 4), and make recommendations based on published criteria described earlier in this document.

2. Ranking Process and Criteria

Ranking eligible projects and developing a recommendation for funding will include consideration of the following:

- a. Combined ordinal application score(s) as determined by the Mitigation Grant Review Committee using the evaluation system mentioned above.
- b. Available funding.
- c. Goals and objectives in the *Washington State Enhanced Hazard Mitigation Plan, January 2008*.
- d. Geographical mix.
- e. Previous mitigation program participation and results.
- f. Current mitigation program participation. At its discretion, the Division may limit applicants to three active projects at any one time, depending upon the demonstrated capability of the applicant to administer previous and existing projects.

The review committee will develop and provide to the Division Director a prioritized list of projects to recommend to FEMA for approval and funding.

The Division will formally notify applicants of the results of the committee ranking and review process and of their recommended, or non-recommended, status. Applicants not being recommended for funding may appeal this decision under specific criteria. (See Applicant Appeal Process – State Level, Appendix 5.)

3. Selection of Projects

Following any appeal period, a decision package will be submitted to the Division Director containing those projects recommended for submission to FEMA for final approval and funding. These projects may be ones proposed by the Division or that have been reviewed and ranked by the Mitigation Grant Review Committee. The Division will notify applicants if their application is being forwarded to FEMA.

If the situation warrants, a percentage of the Hazard Mitigation Grant Program funds may be set aside to accomplish projects as outlined in the

Washington State Enhanced Hazard Mitigation Plan. These projects will be exempt from the Committee ranking process.

C. Submission of Recommended Projects to FEMA

1. The State Hazard Mitigation Programs Manager (SHMPM) will prepare a project package, for transmittal to FEMA by the Division Director, containing:
 1. A narrative describing the anticipated projects and justification for recommendation and rationale for each project.
 2. Copies of recommended applications and additional pertinent information.
 3. A certification by the Division that the projects meet all federal and state eligibility requirements.
 4. A completed SF 424 Application for Federal Assistance, which requests funding for all projects recommended.

Additionally, the Division may submit a prioritized list of state-recommended, unfunded projects as alternates for consideration when additional funds become available through cost under runs or other opportunities.

2. Upon notification from FEMA, the State Hazard Mitigation Programs Manager will notify applicants of FEMA's decision on their projects.
 - a. Funded Projects – Approved and funded applicants will be provided *Guidelines for Approved Projects* (Chapter 3). This document contains information on:
 - Reporting requirements;
 - Process for requesting funds;
 - Information on administrative costs; and
 - Grant agreement between the State and the applicant.
 - b. Non-Approved/Unfunded Projects – Upon notification from FEMA of projects that are not approved and not funded, the Division will send a letter to applicants on their non-approval/non-funded status. Specific criteria for appealing the federal decision will be provided.

D. Withdrawal of Recommended Projects

The Division may opt to withdraw a project from consideration by FEMA. Possible reason(s) may include, but are not limited to, the following:

1. Misrepresentation(s) by the applicant in the application.
2. Non-covered cost increases prior to FEMA approval.
3. Loss or reduction of committed funding.

4. Project, or applicant, fails to maintain eligibility as outlined in 44 CFR Part 206.424, to include cost/benefit requirements, participation and good standing in the National Flood Insurance Program (NFIP), as well as compliance with the state Growth Management Act (GMA).
5. Phased Projects. Since the inception of the mitigation programs, there have been numerous situations where FEMA has recommended to the state that an application for a project be “phased” and a “study” be funded as phase one. However, none of the second parts of these “phased projects” have ever been completed and as such no mitigation has ever been provided from such a project. Based upon our historic records, applications that fail to provide sufficient information to allow FEMA to determine eligibility will be removed from consideration for funding.

The Division reserves the right to deny application rating or funding for submitted applications from eligible applicants with serious unresolved audit findings related to performance capacity.

Further, the Division reserves the right to postpone project contracting or to deny funding if there is a significant problem with previous sub-grantee performance, such as failure to complete projects in agreed-upon times, major cost overruns, failure to provide required documentation in a timely manner, etc. In such situations, the sub-grantee is responsible for developing and initiating corrective action satisfactory to the Division.

X. PROGRAM ADMINISTRATION

A. Organization

The Governor's Authorized Representative (GAR) oversees mitigation expenditures. The State Hazard Mitigation Programs Manager (SHMPM) is responsible for the daily operations and technical aspects of the program, hazard mitigation planning, and administering the hazard mitigation grant programs noted in this document, and the *Washington State Enhanced Hazard Mitigation Plan*.

The Division will review and update state mitigation plan as necessary, but at least every three years as required by 44 CFR Part 201.

B. Staffing

The following staffing pattern is used during normal, non-disaster period operations. Percentages below estimate the split of responsibilities for administering the Hazard Mitigation Grant Program:

Mitigation & Recovery Section Manager	10%
---------------------------------------	-----

State Hazard Mitigation Programs Manager

90%

For disaster declarations, the State Hazard Mitigation Programs Manager is designated the State Hazard Mitigation Officer under 44 CFR 206.433(c), identified as such on the Division's organizational chart and confirmed by name in the Federal-State Agreement (included here by reference).

During active disaster recovery operations, the following notional baseline-staffing pattern is established. The number of personnel required, the percentage of time designated individuals will be tasked, and the length of tasking will be disaster-dependent.

SHMPM	EMPS3*	100%	12 - 48 months
EM Program Specialist 2	EMPS2*	100%	9 - 48 months
EM Program Assistant	EMPS1*	100%	9 - 48 months
Reservist 1(Engineer)	RVST1	50%	6 - 24 months
Admin Support		50%	6 - 24 months

**Emergency Management Program Specialist*

C. Administration

The State Hazard Mitigation Programs Manager/State Hazard Mitigation Officer is responsible for project management and record keeping, including project files, which contain all correspondence, applications, vouchers, reports, receipts, and related documentation. The SHMPM/SHMO will oversee preparation of the state/local grant agreement for each project outlining the work to be completed and its costs (See Sample Grant Agreement, Chapter 4).

The SHMPM/SHMO will submit quarterly progress reports to FEMA based on the reports provided by the Applicant Agent for each open project. An applicant quarterly progress report format is shown in Chapter 3. Each applicant will be required to submit a final report, and the SHMPM/SHMO will submit closeout documents to FEMA.

D. Financial Management

The Division will serve as the State of Washington Grantee for project financial management in accordance with 44 CFR Part 13. Sub-grantees (applicants) are accountable to the Grantee for awarded funds.

Sub-grantees are the legal entities to which the state awards money for projects; they can be a state agency, local government, special purpose district, private nonprofit organization, or Indian Tribe. Subgrantees are responsible to the Grantee for expenditures, work performed, and reporting requirements. Allowable costs associated with administering the program are authorized in accordance with 44 CFR Part 206.439.

1. Sub-grantee Reimbursement

Eligible grant costs are **reimbursed** on an actual cost basis up to the contract amount. The state of Washington has chosen not to provide advance payments to sub-grantees for all mitigation programs.

As part of each grant agreement file, a spreadsheet will track approved project amounts, individual warrants and processing dates, total expenditures by federal, state, and local funding sources, and remaining funds. For HMGP, the Division reserves the right to retain all or part of the state's 12.5 percent share pending project completion and closeout. For HMGP, the Division pays the sub-grantee administrative funds only upon final inspection and project acceptance.

Payments shall be based on sub-grantee submittal of an A-19, Voucher Distribution form. (See Sample Reporting Forms, Chapter 3). Requests for payments will be processed in a timely manner. The goal of the Division is to process payment requests to finance within 10 days of receipt. The goal of the Military Department's Finance Division is to process payments and issue a warrant within 10 days of receipt of the completed A-19 from the Division.

Delays can occur if the applicant's request for payment package is incomplete or contains inaccuracies. Division staff notifies sub-grantees as soon as discrepancies are noted, and the payment request will be annotated as to the reason for the delay. Upon receipt of the necessary documents, Division staff will complete its portion of the payment process.

2. Final Payment Requests

The sub-grantee Applicant Agent must submit a final A-19 Voucher Distribution form and final report to the SHMPM/SHMO after the project work has been completed.

The Division will perform a final inspection of the completed project. A joint State/FEMA inspection will be conducted if necessary and appropriate. FEMA will notify and coordinate any additional inspections by FEMA staff prior to the inspection. Final payments will be made upon completion of the Division's final inspection as specified in the grant agreement.

3. Cost overruns

For HMGP, if additional funds are available, upon receipt of a written request from the applicant, the Division may request them from FEMA Region X to cover additional eligible costs. A grant agreement amendment will be developed and processed to include any additional funds prior to disbursement.

For other mitigation programs, cost overruns will be 100 percent responsibility of the applicant.

Accounting Codes

Expenditures recorded in the Agency Financial Reporting System (AFRS) for federal grants by the Military Department are coded to project codes. A project code gives department the ability to track the expenditures in the required program structure and grant cost if the grant crosses biennium. The Legislature of the State of Washington appropriates expenditure authority for a two-year period (biennium).

The project code is also included in the coding for the revenue transactions from the draw of federal funds. The coding also includes coding that indicates the source (federal) and the Catalog of Federal Domestic Assistance (CFDA) number.

Accounts Payable

Salary and Benefits – Timesheets support all direct program staff salaries and benefits. Timesheets are prepared by the program staff member, approved by the supervisor, and sent to the Payroll section of the Accounting Office. Payroll staff reviews the timesheets, and communicates with program staff about any issues. The timesheets are input into the Time Management System (TMS). When finished inputting and reviewing, TMS is released by the Payroll staff to post the information to AFRS. The program staff's actual payroll warrants are issued via the Human Resource Information System (HRIS). Program staff HRIS documents are coded to a clearing account in AFRS. TMS transfers the cost from the clearing account in AFRS to the appropriate coding.

Goods and Services – Program staff request the order of goods and services with a purchase request to the Procurement section. The Procurement section prepares a purchase order per state purchasing regulations. Copies are provided for the vendor, program staff, and Accounts Payable section. Once the goods and services are picked up or delivered, the program staff sends a signed receiving report to Accounts Payable. The signed receiving report is dated for the day the goods or services are received. Accounts Payable puts together a copy of the purchase order, invoice, and receiving report. The payment package is reviewed for the amount, coding, signatures, and dates. Then the payment package is approved and batched for payment. The batch is reviewed and approved by a higher-level accountant. The batch is input into AFRS and

released. The payment is either paid by a warrant or electronic fund transfer (EFT).

Subgrantee – Program staff send a signed and approved A-19 Voucher Distribution document to Accounts Payable. The payment document is reviewed for the amount, coding, signatures, and dates. The payment package is approved and batched for payment. The batch is reviewed and approved by a higher-level accountant. The batched is input into AFRS and released. The payment is paid either by a warrant or electronic fund transfer (EFT).

Re-Issuance of a Warrant – Warrants are valid for 180 days. After 180 days, the warrant must be listed as Statute of Limitation (SOL) before being reissued. If a warrant is lost or destroyed, a state affidavit must be filled out before the warrant can be reissued. Note – Payments to other state agencies are made using the Inter Agency Payment (IAP) process or journal vouchers (JVs). Both processes are internal processes in AFRS.

Accounts Receivable

The Division uses the U.S. Department of Health and Human Services Division of Payment Management (HHS/DPM) SmartLink system to draw funds approved by FEMA. Draws are made only after the expenditures have been made (i.e., costs are reimbursed), or occasionally simultaneous to the processing of an expenditure or transfer. Draws for reimbursements are made within three days after the close of the fiscal month per the SFY 2003 Cash Management Improvement Act (CMIA) Agreement (The SFY 2003 agreement is the last year a Military Department federal grant met the requirements to be included in a CMIA agreement).

The amount of the draw is determined by the difference between the expenditures and the revenue recorded to date in AFRS. If program staff maintains a spreadsheet, the AFRS expenditures are reconciled to the spreadsheet. The SmartLink draws are deposited electronically in a State of Washington bank account maintained by the Office of the State Treasurer (OST). The accountant for a specific grant draws the funds. The cash receipts accountant prepares the document for posting to AFRS and the deposit with the OST. Draws for Military Department program cost are accumulated and drawn on a program approved A-19 prepared by the Accounts Receivable section.

Note – Any interest payments are made directly between the United States Treasury and the OST. This only applies for grants that meet the criteria to be included in the CMIA agreement.

Reporting

Financial Status Reports (FSR) FEMA form 10-20

FSRs are prepared within 45 days after the close of a quarter or when the grant is closed. The reconciled AFRS reports used to make SmartLink draws are used in the preparation of the reports. The accountant responsible for that grant prepares the FSR and the report is approved by the Governor's Authorized Representative (GAR) or alternate. Federal and any state portion of any required match are both pulled from an AFRS report. The local match if any is provided by program worksheets. An extension is attained via e-mail from the appropriate budget staffer at FEMA Region 10.

Federal Cash Transactions Reports Program Support Center (PSC) 272

The PSC 272 report is electronically prepared by the Accounts Receivable section of the Washington Military Department, and submitted to FEMA within 45 days after the close of each quarter. The PSC 272 is reconciled to the FSR and AFRS

Asset Management

Article V, item 1 of the grant agreement (see Chapter 3) specifically identifies the requirements regarding the acquisition and disposition of property and equipment purchased with grant funds. Applicants will comply with the Federal Office of Management and Budget (OMB) Circular A-102 (or its replacement).

XI. AUDIT REQUIREMENTS

Uniform audit requirements as set forth in 44 CFR Part 14 apply to all grant assistance provided under this program. FEMA may elect to conduct a federal audit on the hazard mitigation grant or on any of the subgrants. For individual communities with mitigation projects, subrecipient monitoring will occur on a regular basis and follow the Agency guidelines for subrecipient monitoring, which may include reviewing audit findings/reports provided by the State Auditor's office.

Requirements of the Single Audit Act are included in section B.20 of the Mitigation Programs grant agreement between the Department and the Applicant, and are included here by reference.

Any issues that could affect the performance of that grant agreement will be analyzed to determine if they could impact the current grant, and if so, determine follow-up actions to preclude findings from reoccurring within the scope of the current agreement. For programmatic audit findings, Division mitigation staff will work closely with the Department to compile the necessary responses and actions within the proscribed timeframes

XII. CLOSEOUT PROCEDURES

A. Project Closeout

The Sub-grantee shall submit closeout information in the form of a final report certifying that the project has been completed in accordance with the terms of the grant agreement, and provide all remaining documentation on work done, expenditures, and other costs.

The Division will schedule a final inspection of the project with the Sub-grantee and will notify FEMA of the inspection date, as appropriate.

Project closeout will be noted in the project files upon completion of all inspection reports and outstanding documents.

Final payment to Sub-grantee shall be made upon final review (and usually including sub-grantee administrative funds).

B. Disaster Closeout

Upon completion of all projects within a declared disaster event in which HMGP funds have been obligated, the following steps will be taken to closeout the disaster records with FEMA. The Division will notify FEMA that all projects within a declared disaster event have been completed in accordance with grant agreements.

- Review all project files and final reports for that disaster.
- Reconcile HMGP disaster funds between the Division and FEMA to verify data to Division records.
- Obligate any remaining Management Cost funds.
- Reconciliation of Management Costs funds as approved by FEMA for each disaster.

Upon final review and reconciliation of all completed documents, the disaster event shall be closed.

C. RECAPTURE OF FUNDS

The Division will begin recapture actions in accordance with the terms and conditions of the grant agreement (Section A.17 of the Grant Agreement, see Appendix 8) if at any time during the grant performance period, after the project closeout, or after the program closeout, the Division determines that the sub-grantee received federal and state funds to which it was not entitled. The sub-grantee will be notified in writing describing the finding and provided an opportunity to provide any documents or additional information. A copy of the letter will be provided to the Department's finance section. Division staff will work with the Division's finance section and sub-grantee to obtain the funds, to include any interest, if appropriate, and return them to the applicable funding sources.

XIII. ADMINISTRATIVE DOCUMENT REVIEW

This document will be reviewed annually, or after a Presidential Disaster Declaration (for HMGP) to ensure compliance with the law, implementing regulations, and state policies. It will be updated as needed to reflect regulatory, policy, or organizational changes to improve program administration.

XIV. RECORDS RETENTION

All records and files will be retained in accordance with federal and state laws and regulations. (RCW 40.14.060, Destruction, disposition of official public records or office files and memoranda)

XV. AUTHORITIES AND REFERENCES

Robert T. Stafford Disaster Relief and Emergency Assistance Act, Public Law 93-288, as amended.

Federal Emergency Management Agency (FEMA) Regulations, 44 CFR Part 206, Subparts M and N, and Part 78.

FEMA Regulations, 44 CFR Part 13, Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments.

Single Audit Act of 1984.

Revised Code of Washington, Chapter 38.52, Emergency Management.

XVI. DEFINITIONS

Selected definitions are shown below. A complete list of applicable definitions is found in 44 CFR Subpart N. (See Appendix 2)

Applicant means a state agency, local government, special district, eligible private non-profit organization, or Indian Tribe.

Governor's Authorized Representative (GAR) is the individual designated by the Governor to represent the state in activities related to the implementation of Public Law 93-288 as amended, and to serve as the Grant Administrator of funds.

Grant means an award of financial assistance.

Grantee shall mean the State of Washington

Mitigation Grant Review Committee means the five-member grant application review body at the state level.

Project means any eligible mitigation measure or action to reduce risk of future damage, hardship, loss or suffering from disasters. The terms "project" and "measure" are used interchangeably in federal regulations.

State Hazard Mitigation Officer (SHMO) means the individual designated as the responsible individual for all matters related, overall, to the Hazard Mitigation Grant Program, and the Sections 404 and 409 respectively of PL 93-288, as amended. For the State of Washington this function is conducted by the Division's State Hazard Mitigation Programs Manager (SHMPM) who has responsibilities for the daily operations and technical aspects of the program, hazard mitigation planning, and administering the Hazard Mitigation Grant Program and other FEMA-funded mitigation programs as noted in this document and the *Washington State Enhanced Hazard Mitigation Plan*.

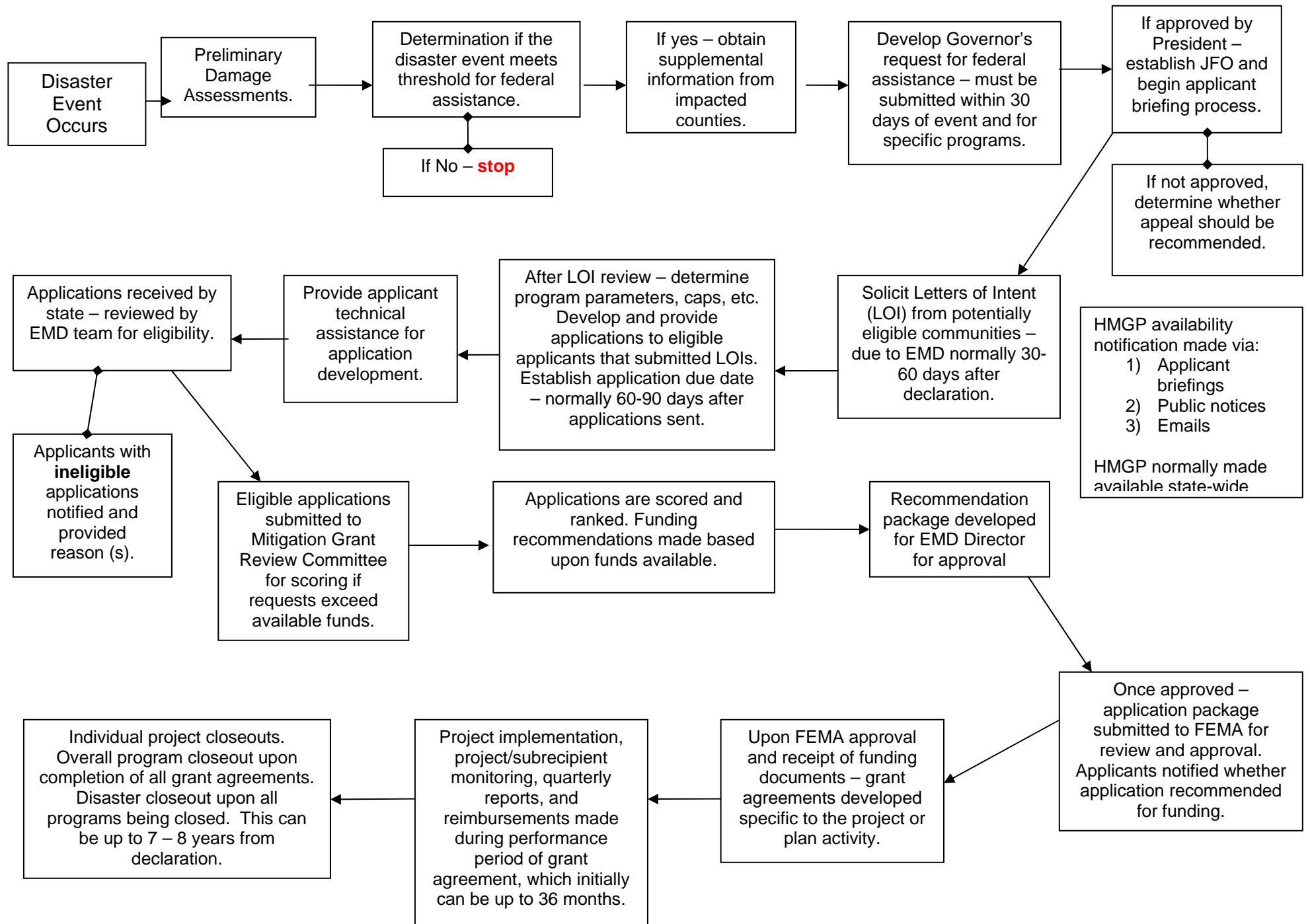
Sub-grant means an award of financial assistance under a grant to an eligible applicant.

Sub-grantee means the applicant, government or other legal entity to which a sub-grant is awarded and which is accountable to the grantee for the use of the funds provided. *(This is the wording used to reference the applicant on the FEMA funding documents.)*

Washington State Enhanced Hazard Mitigation Plan The state document that identifies statewide hazard damage reduction goals and objectives, the means to accomplish them, and a time frame for implementation.

Appendix 1

Disaster Flow Chart



Appendix 2

44 CFR Subpart N
Hazard Mitigation Program

44 CFR Part 206
Mitigation Planning

44 CFR Part 80
Property Acquisition

[Code of Federal Regulations]
[Title 44, Volume 1]
[Revised as of October 1, 2007]
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TITLE 44--EMERGENCY MANAGEMENT AND ASSISTANCE

CHAPTER I--FEDERAL EMERGENCY MANAGEMENT AGENCY, DEPARTMENT OF HOMELAND SECURITY

PART 206--FEDERAL DISASTER ASSISTANCE FOR DISASTERS DECLARED ON OR AFTER

Source: 55 FR 35537, Aug. 30, 1990, unless otherwise noted.

As amended by Interim Rule FR Doc. E7-20035 published at 72 FR 57875, October 4, 2007; by Interim Rule FR Doc. E7-21265 published at 72 FR 61750, October 31, 2007; and by Interim Rule FR Doc. E8-463 published at 73 FR 2190, January 14, 2008.

SUBPART N – HAZARD MITIGATION GRANT PROGRAM

Sec. 206.430 General.

This subpart provides guidance on the administration of hazard mitigation grants made under the provisions of section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5170c, hereafter Stafford Act, or the Act.

[59 FR 24356, May 11, 1994]

Sec. 206.431 Definitions.

Activity means any mitigation measure, project, or action proposed to reduce risk of future damage, hardship, loss or suffering from disasters.

Applicant means a State agency, local government, Indian tribal government, or eligible private nonprofit organization, submitting an application to the grantee for assistance under the HMGP.

Enhanced State Mitigation Plan is the hazard mitigation plan approved under 44 CFR part 201 as a condition of receiving increased funding under the HMGP.

Grant application means the request to FEMA for HMGP funding, as outlined in Sec. 206.436, by a State or tribal government that will act as grantee.

Grant award means total of Federal and non-Federal contributions to complete the approved scope of work.

Grantee means the government to which a grant is awarded and which is accountable for the use of the funds provided. The grantee is the entire legal entity even if only a particular component of the entity is designated in the grant award document. Generally, the State is the grantee. However, an Indian tribal government may choose to be a grantee, or it may act as a subgrantee under the State. An Indian tribal government acting as a grantee will assume the responsibilities of a "state", under this subpart, for the purposes of administering the grant.

Indian tribal government means any Federally recognized governing body of an Indian or Alaska Native tribe, band, nation, pueblo, village, or community that the Secretary of Interior acknowledges to exist is an Indian tribe under the Federally Recognized Tribe List Act of 1994, 25 U.S.C. 479a. This does not include Alaska Native corporations, the ownership of which is vested in private individuals.

Local Mitigation Plan is the hazard mitigation plan required of a local or Indian tribal government acting as a subgrantee as a condition of receiving a project subgrant under the HMGP as outlined in 44 CFR 201.6.

Standard State Mitigation Plan is the hazard mitigation plan approved under 44 CFR part 201, as a condition of receiving Stafford Act assistance as outlined in Sec. 201.4.

State Administrative Plan for the Hazard Mitigation Grant Program means the plan developed by the State to describe the procedures for administration of the HMGP.

Subgrant means an award of financial assistance under a grant by a grantee to an eligible subgrantee.

Subgrant application means the request to the grantee for HMGP funding by the eligible subgrantee, as outlined in Sec. 206.436.

Subgrantee means the government or other legal entity to which a subgrant is awarded and which is accountable to the grantee for the use of the funds provided. Subgrantees can be a State agency, local government, private non-profit organizations, or Indian tribal government as outlined in Sec. 206.433. Indian tribal governments acting as a subgrantee are accountable to the State grantee.

[67 FR 8852, Feb. 26, 2002]

Sec. 206.432 Federal grant assistance.

(a) *General.* This section describes the extent of Federal funding available under the State's grant, as well as limitations and special procedures applicable to each.

(b) *Amounts of Assistance.* The total Federal contribution of funds is based on the estimated aggregate grant amount to be made under 42 U.S.C. 5170b, 5172, 5173, 5174, 5177, 5178, and 5183 of the Stafford Act for the major disaster (less associated administrative costs), and shall be as follows:

(1) *Standard percentages.* Not to exceed 15 percent for the first \$2,000,000,000 or less of such amounts; not to exceed 10 percent of the portion of such amounts over \$2,000,000,000 and not more than \$10,000,000,000; and not to exceed 7.5 percent of the portion of such amounts over \$10,000,000,000 and not more than \$35,333,000,000.

(2) *Twenty (20) percent.* A State with an approved Enhanced State Mitigation Plan, in effect prior to the disaster declaration, which meets the requirements outlined in 44 CFR 201.5 shall be eligible for assistance under the HMGP not to exceed 20 percent of the total estimated Federal assistance described in this paragraph.

(3) The estimates of Federal assistance under this paragraph (b) shall be based on the Regional Director's estimate of all eligible costs, actual grants, and appropriate mission assignments.

(c) *Cost sharing.* All mitigation measures approved under the State's grant will be subject to the cost sharing provisions established in the FEMA-State Agreement. FEMA may contribute up to 75 percent of the cost of measures approved for funding under the Hazard Mitigation Grant Program for major disasters declared on or after June 10, 1993. FEMA may contribute up to 50 percent of the cost of measures approved for funding under the Hazard Mitigation Grant Program for major disasters declared before June 10, 1993. The non-Federal share may exceed the Federal share. FEMA will not contribute to costs above the Federally approved estimate.

[55 FR 35537, Aug. 30, 1990, as amended at 59 FR 24356, May 11, 1994; 67 FR 8853, Feb. 26, 2002; 67 FR 61515, Oct. 1, 2002; 69 FR 55097, Sept. 13, 2004]

Sec. 206.433 State responsibilities.

(a) *Grantee.* The State will be the Grantee to which funds are awarded and will be accountable for the use of those funds. There may be subgrantees within the State government.

(b) *Priorities.* The State will determine priorities for funding. This determination must be made in conformance with Sec. 206.435.

(c) *Hazard Mitigation Officer.* The State must appoint a Hazard Mitigation Officer who serves as the responsible individual for all matters related to the Hazard Mitigation Grant Program.

(d) *Administrative plan.* The State must have an approved administrative plan for the Hazard Mitigation Grant Program in conformance with Sec. 206.437.

Sec. 206.434 Eligibility.

(a) *Applicants.* The following are eligible to apply for the Hazard Mitigation Program Grant:

(1) State and local governments;

(2) Private nonprofit organizations or institutions that own or operate a private nonprofit facility as defined in Sec. 206.221. If an organization is otherwise eligible to receive funding under this section, the organization's status as faith-based shall not be considered in determining whether to authorize a grant or the amount of any such grant. A qualified conservation organization as defined at Sec. 80.3(h) of this chapter is the only private nonprofit organization eligible to apply for acquisition or relocation for open space projects;

(3) Indian tribes or authorized tribal organizations and Alaska Native villages or organizations, but not Alaska native corporations with ownership vested in private individuals.

(b) *Plan requirement.* (1) For all disasters declared on or after November 1, 2004, local and Indian tribal government applicants for project subgrants must have an approved local mitigation plan in accordance with 44 CFR 201.6 prior to receipt of HMGP subgrant funding for projects. Until November 1, 2004, local mitigation plans may be developed concurrent with the implementation of subgrants.

(2) Regional Directors may grant an exception to this requirement in extraordinary circumstances, such as in a small and impoverished community when justification is provided. In these cases, a plan will be completed within 12 months of the award of the project grant. If a plan is not provided within this timeframe, the project grant will be terminated, and any costs incurred after notice of grant's termination will not be reimbursed by FEMA.

(c) *Minimum project criteria.* To be eligible for the Hazard Mitigation Grant Program, a project must:

(1) Be in conformance with the State Mitigation Plan and Local Mitigation Plan approved under 44 CFR part 201;

(2) Have a beneficial impact upon the designated disaster area, whether or not located in the designated area;

(3) Be in conformance with 44 CFR part 9, Floodplain Management and Protection of Wetlands, and 44 CFR part 10, Environmental Considerations;

(4) Solve a problem independently or constitute a functional portion of a solution where there is assurance that the project as a whole will be completed. Projects that merely identify or analyze hazards or problems are not eligible;

(5) Be cost-effective and substantially reduce the risk of future damage, hardship, loss, or suffering resulting from a major disaster. The grantee must demonstrate this by documenting that the project;

(i) Addresses a problem that has been repetitive, or a problem that poses a significant risk to public health and safety if left unsolved,

(ii) Will not cost more than the anticipated value of the reduction in both direct damages and subsequent negative impacts to the area if future disasters were to occur;

(iii) Has been determined to be the most practical, effective, and environmentally sound alternative after consideration of a range of options,

(iv) Contributes, to the extent practicable, to a long-term solution to the problem it is intended to address,

(v) Considers long-term changes to the areas and entities it protects, and has manageable future maintenance and modification requirements.

(d) *Eligible activities--*(1) Planning. Up to 7% of the State's HMGP grant may be used to develop State, tribal and/or local mitigation plans to meet the planning criteria outlined in 44 CFR part 201.

(2) Types of projects. Projects may be of any nature that will result in protection to public or private property. Activities for which implementation has already been initiated or completed are not eligible for funding. Eligible projects include, but are not limited to:

(i) Structural hazard control or protection projects;

(ii) Construction activities that will result in protection from hazards;

(iii) Retrofitting of facilities;

(iv) Property acquisition or relocation, as defined in paragraph (e) of this section;

(v) Development of State or local mitigation standards;

(vi) Development of comprehensive mitigation programs with implementation as an essential component;

(vii) Development or improvement of warning systems.

(e) *Property acquisitions and relocation requirements.* Property acquisitions and relocation projects for open space proposed for funding pursuant to a major disaster declared on or after December 3, 2007 must be implemented in accordance with part 80 of this chapter. For major disasters declared prior to December 3, 2007, a project involving property acquisition or the relocation of structures and individuals is eligible for assistance only if the applicant enters into an agreement with the FEMA Regional Director that provides assurances that:

(1) The following restrictive covenants shall be conveyed in the deed to any property acquired, accepted, or from which structures are removed (hereafter called in section (d) the property):

(i) The property shall be dedicated and maintained in perpetuity for uses compatible with open space, recreational, or wetlands management practices; and

(ii) No new structure(s) will be built on the property except as indicated below:

(A) A public facility that is open on all sides and functionally related to a designated open space or recreational use;

(B) A rest room; or

(C) A structure that is compatible with open space, recreational, or wetlands management usage and proper floodplain management policies and practices, which the Director approves in writing before the construction of the structure begins.

(iii) After completion of the project, no application for additional disaster assistance will be made for any purpose with respect to the property to any Federal entity or source, and no Federal entity or source will provide such assistance.

(2) In general, allowable open space, recreational, and wetland management uses include parks for outdoor recreational activities, nature reserves, cultivation, grazing, camping (except where adequate warning time is not available to allow evacuation), temporary storage in the open of wheeled vehicles which are easily movable (except mobile homes), unimproved, previous parking lots, and buffer zones.

(3) Any structures built on the property according to paragraph (d)(1) of this section, shall be floodproofed or elevated to the Base Flood Elevation plus one foot of freeboard.

(f) *Duplication of programs.* Section 404 funds cannot be used as a substitute or replacement to fund projects or programs that are available under other Federal authorities, except under limited circumstances in which there are extraordinary threats to lives, public health or safety or improved property.

(g) *Packaging of programs.* Section 404 funds may be packaged or used in combination with other Federal, State, local, or private funding sources when appropriate to develop a comprehensive mitigation solution, though section 404 funds cannot be used as a match for other Federal funds.

[55 FR 35537, Aug. 30, 1990, as amended at 59 FR 24356, May 11, 1994; 67 FR 8853, Feb. 26, 2002; 67 FR 61515, Oct. 1, 2002; 69 FR 55097, Sept. 13, 2004]

Sec. 206.435 Project identification and selection criteria.

(a) *Identification.* It is the State's responsibility to identify and select eligible hazard mitigation projects. All funded projects must be consistent with the State Mitigation Plan. Hazard Mitigation projects shall be identified and prioritized through the State, Indian tribal, and local planning process.

(b) *Selection.* The State will establish procedures and priorities for the selection of mitigation measures. At a minimum, the criteria must be consistent with the criteria stated in Sec. 206.434(c) and include:

(1) Measures that best fit within an overall plan for development and/or hazard mitigation in the community, disaster area, or State;

(2) Measures that, if not taken, will have a severe detrimental impact on the applicant, such as potential loss of life, loss of essential services, damage to critical facilities, or economic hardship on the community;

(3) Measures that have the greatest potential impact on reducing future disaster losses;

(c) *Other considerations.* In addition to the selection criteria noted above, consideration should be given to measures that are designed to accomplish multiple objectives including damage reduction, environmental enhancement, and economic recovery, when appropriate.

[55 FR 35537, Aug. 30, 1990, as amended at 66 FR 8853, Feb. 26, 2002; 68 FR 63738, Nov. 10, 2003]

Sec. 206.436 Application procedures.

(a) *General.* This section describes the procedures to be used by the grantee in submitting an application for HMGP funding. Under the HMGP, the State or Indian tribal government is the grantee and is responsible for processing subgrants to applicants in accordance with 44 CFR part 13 and this part 206. Subgrantees are accountable to the grantee.

(b) *Governor's Authorized Representative.* The Governor's Authorized Representative serves as the grant administrator for all funds provided under the Hazard Mitigation Grant Program. The Governor's Authorized Representative's responsibilities as they pertain to procedures outlined in this section include providing technical advice and assistance to eligible subgrantees, and ensuring that all potential applicants are aware of assistance available and submission of those documents necessary for grant award.

(c) *Hazard mitigation application.* Upon identification of mitigation measures, the State (Governor's Authorized Representative) will submit its Hazard Mitigation Grant Program application to the FEMA Regional Director. The application will identify one or more mitigation measures for which funding is requested. The application must include a Standard Form (SF) 424, Application for Federal Assistance, SF 424D, Assurances for Construction Programs, if appropriate, and a narrative statement. The narrative statement will contain any pertinent project management information not included in the State's administrative plan for Hazard Mitigation. The narrative statement will also serve to identify the specific mitigation measures for which funding is requested. Information required for each mitigation measure shall include the following:

- (1) Name of the subgrantee, if any;
- (2) State or local contact for the measure;
- (3) Location of the project;
- (4) Description of the measure;
- (5) Cost estimate for the measure;
- (6) Analysis of the measure's cost-effectiveness and substantial risk reduction, consistent with Sec. 206.434(c);
- (7) Work schedule;
- (8) Justification for selection;
- (9) Alternatives considered;
- (10) Environmental information consistent with 44 CFR part 9, Floodplain Management and Protection of Wetlands, and 44 CFR part 10, Environmental Considerations.

(d) *Application submission time limit.* The State's application may be amended as the State identifies and selects local project applications to be funded. The State must submit all local HMGP applications and funding requests for the purpose of identifying new projects to the Regional Director within 12 months of the date of disaster declaration.

(e) *Extensions.* The State may request the Regional Director to extend the application time limit by 30 to 90 day increments, not to exceed a total of 180 days. The grantee must include a justification in its request.

(f) *FEMA approval.* The application and supplement(s) will be submitted to the FEMA Regional Director for approval. FEMA has final approval authority for funding of all projects.

(g) *Indian tribal grantees.* Indian tribal governments may submit a SF 424 directly to the Regional Director.

[67 FR 8853, Feb. 26, 2002]

Sec. 206.437 State administrative plan.

(a) *General.* The State shall develop a plan for the administration of the Hazard Mitigation Grant Program.

(b) *Minimum criteria.* At a minimum, the State administrative plan must include the items listed below:

- (1) Designation of the State agency will have responsibility for program administration;
- (2) Identification of the State Hazard Mitigation Officer responsible for all matters related to the Hazard Mitigation Grant Program.
- (3) Determination of staffing requirements and sources of staff necessary for administration of the program;
- (4) Establishment of procedures to:
 - (i) Identify and notify potential applicants (subgrantees) of the availability of the program;
 - (ii) Ensure that potential applicants are provided information on the application process, program eligibility and key deadlines;
 - (iii) Determine applicant eligibility;
 - (iv) Conduct environmental and floodplain management reviews;
 - (v) Establish priorities for selection of mitigation projects;
 - (vi) Process requests for advances of funds and reimbursement;
 - (vii) Monitor and evaluate the progress and completion of the selected projects;
 - (viii) Review and approve cost overruns;
 - (ix) Process appeals;
 - (x) Provide technical assistance as required to subgrantee(s);
 - (xi) Comply with the administrative requirements of 44 CFR parts 13 and 206;
 - (xii) Comply with audit requirements of 44 CFR part 14;
 - (xiii) Provide quarterly progress reports to the Regional Director on approved projects.
 - (xiv) Determine the percentage or amount of pass-through funds for management costs provided under 44 CFR part 207 that the grantee will make available to subgrantees, and the basis, criteria, or formula for determining the subgrantee percentage or amount.
- (c) *Format.* The administrative plan is intended to be a brief but substantive plan documenting the State's process for the administration of the Hazard Mitigation Grant Program and management of the section 404 funds. This administrative plan should become a part of the State's overall emergency response or operations plan as a separate annex or chapter.
- (d) *Approval.* The State must submit the administrative plan to the Regional Director for approval. Following each major disaster declaration, the State shall prepare any updates, amendments, or plan revisions required to meet current policy guidance or changes in the administration of the Hazard Mitigation Grant Program. Funds shall not be awarded until the State administrative plan is approved by the FEMA Regional Director.

(Approved by the Office of Management and Budget under OMB control number 3067-0208)

[55 FR 35537, Aug. 30, 1990, as amended at 55 FR 52172, Dec. 20, 1990]

Sec. 206.438 Project management.

- (a) *General.* The State serving as grantee has primary responsibility for project management and accountability of funds as indicated in 44 CFR Part 13. The State is responsible for ensuring that subgrantees meet all program and administrative requirements.
- (b) *Cost overruns.* During the execution of work on an approved mitigation measure the Governor's Authorized Representative may find that actual project costs are exceeding the approved estimates. Cost overruns which can be met without additional Federal funds, or which can be met by offsetting cost underruns on other projects, need not be submitted to the Regional Director for approval, so long as the full scope of work on all affected projects can still be met. For cost overruns which exceed Federal obligated funds and which require additional Federal funds, the Governor's Authorized Representative shall evaluate each cost overrun and shall submit a request with a recommendation to the Regional Director for a determination. The applicant's justification for additional costs and other pertinent material shall accompany the request. The Regional Director shall notify the Governor's Authorized Representative in writing of the determination and process a supplement, if necessary. All requests that are not justified shall be denied by the Governor's Authorized Representative. In no case will the total amount obligated to the State exceed the funding limits set forth in Sec. 206.432(b). Any such problems

or circumstances affecting project costs shall be identified through the quarterly progress reports required in paragraph (c) of this section.

(c) *Progress reports.* The grantee shall submit a quarterly progress report to FEMA indicating the status and completion date for each measure funded. Any problems or circumstances affecting completion dates, scope of work, or project costs which are expected to result in noncompliance with the approved grant conditions shall be described in the report.

(d) *Payment of claims.* The Governor's Authorized Representative shall make a claim to the Regional Director for reimbursement of allowable costs for each approved measure. In submitting such claims the Governor's Authorized Representative shall certify that reported costs were incurred in the performance of eligible work, that the approved work was completed and that the mitigation measure is in compliance with the provisions of the FEMA-State Agreement. The Regional Director shall determine the eligible amount of reimbursement for each claim and approve payment. If a mitigation measure is not completed, and there is not adequate justification for noncompletion, no Federal funding will be provided for that measure.

(e) *Audit requirements.* Uniform audit requirements as set forth in 44 CFR part 14 apply to all grant assistance provided under this subpart. FEMA may elect to conduct a Federal audit on the disaster assistance grant or on any of the subgrants.

Sec. 206.439 Allowable costs.

(a) *General requirements* for determining allowable costs are established in 44 CFR 13.22. Exceptions to those requirements as allowed in 44 CFR 13.4 and 13.6 are explained in paragraph (b) of this section.

(b) *Administrative and management costs* for major disasters will be paid in accordance with 44 CFR Part 207.

(c) *Pre-award costs.* FEMA may fund eligible pre-award planning or project costs at its discretion and as funds are available. Grantees and subgrantees may be reimbursed for eligible pre-award costs for activities directly related to the development of the project or planning proposal. These costs can only be incurred during the open application period of the grant program. Costs associated with implementation of the activity but incurred prior to grant award are not eligible. Therefore, activities where implementation is initiated or completed prior to award are not eligible and will not be reimbursed.

Sec. 206.440 Appeals.

An eligible applicant, subgrantee, or grantee may appeal any determination previously made related to an application for or the provision of Federal assistance according to the procedures below.

(a) *Format and Content.* The applicant or subgrantee will make the appeal in writing through the grantee to the Regional Director. The grantee shall review and evaluate all subgrantee appeals before submission to the Regional Director. The grantee may make grantee-related appeals to the Regional Director. The appeal shall contain documented justification supporting the appellant's position, specifying the monetary figure in dispute and the provisions in Federal law, regulation, or policy with which the appellant believes the initial action was inconsistent.

(b) *Levels of Appeal.* (1) The Regional Director will consider first appeals for hazard mitigation grant program-related decisions under subparts M and N of this part.

(2) The Associate Director/Executive Associate Director for Mitigation will consider appeals of the Regional Director's decision on any first appeal under paragraph (b)(1) of this section.

(c) *Time Limits.* (1) Appellants must make appeals within 60 days after receipt of a notice of the action that is being appealed.

(2) The grantee will review and forward appeals from an applicant or subgrantee, with a written recommendation, to the Regional Director within 60 days of receipt.

(3) Within 90 days following receipt of an appeal, the Regional Director (for first appeals) or Associate Director/Executive Associate Director (for second appeals) will notify the grantee in writing of the disposition of the appeal or of the need for additional information. A request by the Regional Director or Associate Director/Executive Associate Director for additional information will include a date by

which the information must be provided. Within 90 days following the receipt of the requested additional information or following expiration of the period for providing the information, the Regional Director or Associate Director/Executive Associate Director will notify the grantee in writing of the disposition of the appeal. If the decision is to grant the appeal, the Regional Director will take appropriate implementing action.

(d) *Technical Advice*. In appeals involving highly technical issues, the Regional Director or Associate Director/Executive Associate Director may, at his or her discretion, submit the appeal to an independent scientific or technical person or group having expertise in the subject matter of the appeal for advice or recommendation. The period for this technical review may be in addition to other allotted time periods. Within 90 days of receipt of the report, the Regional Director or Associate Director/Executive Associate Director will notify the grantee in writing of the disposition of the appeal.

(e) *Transition*. (1) This rule is effective for all appeals pending on and appeals from decisions issued on or after May 8, 1998, except as provided in paragraph (e)(2) of this section.

(2) Appeals pending from a decision of an Associate Director/Executive Associate Director before May 8, 1998 may be appealed to the Director in accordance with 44 CFR 206.440 as it existed before May 8, 1998.

(3) The decision of the FEMA official at the next higher appeal level shall be the final administrative decision of FEMA.

[63 FR 17111, Apr. 8, 1998]

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TITLE 44--EMERGENCY MANAGEMENT AND ASSISTANCE

CHAPTER I--FEDERAL EMERGENCY MANAGEMENT AGENCY

PART 201--MITIGATION PLANNING

As revised by Interim Rule FR Doc. E7-21265 published at 72 FR 61749, October 30, 2007

Sec. 201.1 Purpose.

(a) The purpose of this part is to provide information on the policies and procedures for mitigation planning as required by the provisions of section 322 of the Stafford Act, 42 U.S.C. 5165.

(b) The purpose of mitigation planning is for State, local, and Indian tribal governments to identify the natural hazards that impact them, to identify actions and activities to reduce any losses from those hazards, and to establish a coordinated process to implement the plan, taking advantage of a wide range of resources.

Sec. 201.2 Definitions

Administrator means the head of the Federal Emergency Management Agency, or his/her designated representative, appointed under section 503 of the Post-Katrina Emergency Management Reform Act of 2006 (Pub. L. 109-295). The term also refers to the Director as discussed in part 2 of this chapter.

Flood Mitigation Assistance (FMA) means the program authorized by section 1366 of the National Flood Insurance Act of 1968, as amended, 42 U.S.C. 4104c, and implemented at parts 78 and 79.

Grantee means the government to which a grant is awarded, which is accountable for the use of the funds provided. The grantee is the entire legal entity even if only a particular component of the entity is designated in the grant award document. Generally, the State is the grantee. However, after a declaration, an Indian tribal government may choose to be a grantee, or may act as a subgrantee under the State. An Indian tribal government acting as grantee will assume the responsibilities of a "state", as described in this part, for the purposes of administering the grant.

Hazard mitigation means any sustained action taken to reduce or eliminate the long-term risk to human life and property from hazards.

Hazard Mitigation Grant Program (HMGP) means the program authorized under section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5170c, and implemented at part 206, subpart N of this chapter.

Indian tribal government means any Federally recognized governing body of an Indian or Alaska Native tribe, band, nation, pueblo, village, or community that the Secretary of Interior acknowledges to exist as an Indian tribe under the Federally Recognized Tribe List Act of 1994, 25 U.S.C. 479a. This does not include Alaska Native corporations, the ownership of which is vested in private individuals.

Local government is any county, municipality, city, town, township, public authority, school district, special district, intrastate district, council of governments (regardless of whether the council of governments is incorporated as a nonprofit corporation under State law), regional or interstate government entity, or agency or instrumentality of a local government; any Indian tribe or authorized tribal

organization, or Alaska Native village or organization; and any rural community, unincorporated town or village, or other public entity.

Managing State means a State to which FEMA has delegated the authority to administer and manage the HMGP under the criteria established by FEMA pursuant to 42 U.S.C. 5170c(c). FEMA may also delegate authority to tribal governments to administer and manage the HMGP as a Managing State.

Pre-Disaster Mitigation Program (PDM) means the program authorized under section 203 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5133.

Regional Director is a director of a regional office of FEMA, or his/her designated representative.

Repetitive Flood Claims (RFC) program means the program authorized under section 1323 of the National Flood Insurance Act of 1968, as amended, 42 U.S.C. 4011, which provides funding to reduce flood damages to individual properties for which 1 or more claim payments for losses have been made under flood insurance coverage and that will result in the greatest savings to the National Flood Insurance Program (NFIP) in the shortest period of time.

Severe Repetitive Loss (SRL) program means the program authorized under section 1361(a) of the National Flood Insurance Act of 1968, as amended, 42 U.S.C. 4102a, and implemented at part 79 of this chapter.

Severe Repetitive Loss properties are defined as single or multifamily residential properties that are covered under an NFIP flood insurance policy and: (1) That have incurred flood-related damage for which 4 or more separate claims payments have been made, with the amount of each claim (including building and contents payments) exceeding \$5,000, and with the cumulative amount of such claims payments exceeding \$20,000; or (2) For which at least 2 separate claims payments (building payments only) have been made under such coverage, with cumulative amount of such claims exceeding the market value of the property. (3) In both instances, at least 2 of the claims must be within 10 years of each other, and claims made within 10 days of each other will be counted as 1 claim.

Small and impoverished communities means a community of 3,000 or fewer individuals that is identified by the State as a rural community, and is not a remote area within the corporate boundaries of a larger city; is economically disadvantaged, by having an average per capita annual income of residents not exceeding 80 percent of national, per capita income, based on best available data; the local unemployment rate exceeds by one percentage point or more, the most recently reported, average yearly national unemployment rate; and any other factors identified in the State Plan in which the community is located.

The Stafford Act refers to the Robert T. Stafford Disaster Relief and Emergency Assistance Act, Public Law 93-288, as amended (42 U.S.C. 5121-5206).

State is any State of the United States, the District of Columbia, Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

State Hazard Mitigation Officer is the official representative of State government who is the primary point of contact with FEMA, other Federal agencies, and local governments in mitigation planning and implementation of mitigation programs and activities required under the Stafford Act.

Subgrantee means the government or other legal entity to which a subgrant is awarded and which is accountable to the grantee for the use of the funds provided. Subgrantees can be a State agency, local government, private non-profit organizations, or Indian tribal government. Indian tribal governments acting as a subgrantee are accountable to the State grantee.

Sec. 201.3 Responsibilities.

(a) *General*. This section identifies the key responsibilities of FEMA, States, and local/tribal governments in carrying out section 322 of the Stafford Act, 42 U.S.C. 5165.

(b) *FEMA*. The key responsibilities of the Regional Director are to:

- (1) Oversee all FEMA related pre- and post-disaster hazard mitigation programs and activities;
- (2) Provide technical assistance and training to State, local, and Indian tribal governments regarding the mitigation planning process;
- (3) Review and approve all Standard and Enhanced State Mitigation Plans;

(4) Review and approve all local mitigation plans, unless that authority has been delegated to the State in accordance with Sec. 201.6(d);

(5) Conduct reviews, at least once every three years, of State mitigation activities, plans, and programs to ensure that mitigation commitments are fulfilled, and when necessary, take action, including recovery of funds or denial of future funds, if mitigation commitments are not fulfilled.

(c) *State*. The key responsibilities of the State are to coordinate all State and local activities relating to hazard evaluation and mitigation and to:

(1) Prepare and submit to FEMA a Standard State Mitigation Plan following the criteria established in part 201.4 as a condition of receiving nonemergency Stafford Act assistance and FEMA mitigation grants. In addition, a State may choose to address severe repetitive loss properties in their plan as identified in part 201.4(c)(3)(v) to receive the reduced cost share for the Flood Mitigation Assistance (FMA) and Severe Repetitive Loss (SRL) programs, pursuant to part 79.4(c)(2) of this chapter.

(2) In order to be considered for the 20 percent HMGP funding, prepare and submit an Enhanced State Mitigation Plan in accordance with Sec. 201.5, which must be reviewed and updated, if necessary, every three years from the date of the approval of the previous plan.

(3) At a minimum, review and update the Standard State Mitigation Plan every 3 years from the date of the approval of the previous plan in order to continue program eligibility.

(4) Make available the use of up to the 7 percent of HMGP funding for planning in accordance with Sec. 206.434.

(5) Provide technical assistance and training to local governments to assist them in applying for HMGP planning grants, and in developing local mitigation plans.

(6) For Managing States that have been approved under the criteria established by FEMA pursuant to 42 U.S.C. 5170c(c), review and approve local mitigation plans in accordance with Sec. 201.6(d).

(d) *Local governments*. The key responsibilities of local governments are to:

(1) Prepare and adopt a jurisdiction-wide natural hazard mitigation plan as a condition of receiving project grant funds under the HMGP, in accordance with Sec. 201.6.

(2) At a minimum, review and update the local mitigation plan every 5 years from date of plan approval of the previous plan in order to continue program eligibility.

(e) *Indian tribal governments*. The key responsibilities of the Indian tribal government are to coordinate all tribal activities relating to hazard evaluation and mitigation and to:

(1) Prepare and submit to FEMA a Tribal Mitigation Plan following the criteria established in part 201.7 as a condition of receiving non-emergency Stafford Act assistance as a grantee. This plan will also allow Indian tribal governments to apply through the State, as a subgrantee, for any FEMA mitigation project grant. Indian tribal governments with a plan approved by FEMA on or before October 1, 2008 under part 201.4 or part 201.6 will also meet this planning requirement. All Tribal Mitigation Plans approved after that date must follow the criteria identified in part 201.7. In addition, an Indian tribal government may choose to address severe repetitive loss properties as identified in part 201.4(c)(3)(v) as a condition of receiving the reduced cost share for the FMA and SRL programs, pursuant to part 79.4(c)(2) of this chapter.

(2) Review and update the Tribal Mitigation Plan at least every 5 years from the date of approval of the previous plan in order to continue program eligibility.

(3) In order to be considered for the increased HMGP funding, the Tribal Mitigation Plan must meet the Enhanced State Mitigation Plan criteria identified in part 201.5. The plan must be reviewed and updated at least every 3 years from the date of approval of the previous plan.

[67 FR 8848, Feb. 26, 2002, as amended at 67 FR 61515, Oct. 1, 2002]

Sec. 201.4 Standard State Mitigation Plans.

(a) *Plan requirement*. States must have an approved Standard State Mitigation Plans meeting the requirements of this section as a condition of receiving nonemergency Stafford Act assistance and FEMA

mitigation grants. Emergency assistance provided under 42 U.S.C. 5170a, 5170b, 5173, 5174, 5177, 5179, 5180, 5182, 5183, 5184, 5192 will not be affected. Mitigation planning grants provided through the Pre-disaster Mitigation (PDM) program, authorized under section 203 of the Stafford Act, 42 U.S.C. 5133, will also continue to be available. The mitigation plan is the demonstration of the State's commitment to reduce risks from natural hazards and serves as a guide for State decision makers as they commit resources to reducing the effects of natural hazards.

(b) Planning process. An effective planning process is essential in developing and maintaining a good plan. The mitigation planning process should include coordination with other State agencies, appropriate Federal agencies, interested groups, and be integrated to the extent possible with other ongoing State planning efforts as well as other FEMA mitigation programs and initiatives.

(c) Plan content. To be effective the plan must include the following elements:

(1) Description of the planning process used to develop the plan, including how it was prepared, who was involved in the process, and how other agencies participated.

(2) Risk assessments that provide the factual basis for activities proposed in the strategy portion of the mitigation plan. Statewide risk assessments must characterize and analyze natural hazards and risks to provide a statewide overview. This overview will allow the State to compare potential losses throughout the State and to determine their priorities for implementing mitigation measures under the strategy, and to prioritize jurisdictions for receiving technical and financial support in developing more detailed local risk and vulnerability assessments. The risk assessment shall include the following:

(i) An overview of the type and location of all natural hazards that can affect the State, including information on previous occurrences of hazard events, as well as the probability of future hazard events, using maps where appropriate;

(ii) An overview and analysis of the State's vulnerability to the hazards described in this paragraph (c)(2), based on estimates provided in local risk assessments as well as the State risk assessment. The State shall describe vulnerability in terms of the jurisdictions most threatened by the identified hazards, and most vulnerable to damage and loss associated with hazard events. State owned critical or operated critical facilities located in the identified hazard areas shall also be addressed;

(iii) An overview and analysis of potential losses to the identified vulnerable structures, based on estimates provided in local risk assessments as well as the State risk assessment. The State shall estimate the potential dollar losses to State owned or operated buildings, infrastructure, and critical facilities located in the identified hazard areas.

(3) A Mitigation Strategy that provides the State's blueprint for reducing the losses identified in the risk assessment. This section shall include:

(i) A description of State goals to guide the selection of activities to mitigate and reduce potential losses.

(ii) A discussion of the State's pre- and post-disaster hazard management policies, programs, and capabilities to mitigate the hazards in the area, including: an evaluation of State laws, regulations, policies, and programs related to hazard mitigation as well as to development in hazard-prone areas; a discussion of State funding capabilities for hazard mitigation projects; and a general description and analysis of the effectiveness of local mitigation policies, programs, and capabilities.

(iii) An identification, evaluation, and prioritization of cost-effective, environmentally sound, and technically feasible mitigation actions and activities the State is considering and an explanation of how each activity contributes to the overall mitigation strategy. This section should be linked to local plans, where specific local actions and projects are identified.

(iv) Identification of current and potential sources of Federal, State, local, or private funding to implement mitigation activities.

(v) A State may request the reduced cost share authorized under part 79.4(c)(2) of this chapter for the FMA and SRL programs, if it has an approved State Mitigation Plan meeting the requirements of this section that also identifies specific actions the State has taken to reduce the number of repetitive loss properties (which must include severe repetitive loss properties), and specifies how the State intends to reduce the number of such repetitive loss properties. In addition, the plan must describe the strategy the State has to ensure that local jurisdictions with severe repetitive loss properties take actions to reduce the number of these properties, including the development of local mitigation plans.

(4) A section on the Coordination of Local Mitigation Planning that includes the following:

(i) A description of the State process to support, through funding and technical assistance, the development of local mitigation plans.

(ii) A description of the State process and timeframe by which the local plans will be reviewed, coordinated, and linked to the State Mitigation Plan.

(iii) Criteria for prioritizing communities and local jurisdictions that would receive planning and project grants under available funding programs, which should include consideration for communities with the highest risks, repetitive loss properties, and most intense development pressures. Further, that for non-planning grants, a principal criterion for prioritizing grants shall be the extent to which benefits are maximized according to a cost benefit review of proposed projects and their associated costs.

(5) A Plan Maintenance Process that includes:

(i) An established method and schedule for monitoring, evaluating, and updating the plan.

(ii) A system for monitoring implementation of mitigation measures and project closeouts.

(iii) A system for reviewing progress on achieving goals as well as activities and projects identified in the Mitigation Strategy.

(6) A Plan Adoption Process. The plan must be formally adopted by the State prior to submittal to us for final review and approval.

(7) Assurances. The plan must include assurances that the State will comply with all applicable Federal statutes and regulations in effect with respect to the periods for which it receives grant funding, in compliance with 44 CFR 13.11(c) of this chapter. The State will amend its plan whenever necessary to reflect changes in State or Federal laws and statutes as required in 44 CFR 13.11(d) of this chapter.

(d) Review and updates. Plan must be reviewed and revised to reflect changes in development, progress in statewide mitigation efforts, and changes in priorities and resubmitted for approval to the appropriate Regional Director every three years. The Regional review will be completed within 45 days after receipt from the State, whenever possible. We also encourage a State to review its plan in the post-disaster timeframe to reflect changing priorities, but it is not required.

Sec. 201.5 Enhanced State Mitigation Plans.

(a) A State with a FEMA approved Enhanced State Mitigation Plan at the time of a disaster declaration is eligible to receive increased funds under the HMGP, based on twenty percent of the total estimated eligible Stafford Act disaster assistance. The Enhanced State Mitigation Plan must demonstrate that a State has developed a comprehensive mitigation program, that the State effectively uses available mitigation funding, and that it is capable of managing the increased funding. In order for the State to be eligible for the 20 percent HMGP funding, FEMA must have approved the plan within three years prior to the disaster declaration.

(b) Enhanced State Mitigation Plans must include all elements of the Standard State Mitigation Plan identified in Sec. 201.4, as well as document the following:

(1) Demonstration that the plan is integrated to the extent practicable with other State and/or regional planning initiatives (comprehensive, growth management, economic development, capital improvement, land development, and/or emergency management plans) and FEMA mitigation programs and initiatives that provide guidance to State and regional agencies.

(2) Documentation of the State's project implementation capability, identifying and demonstrating the ability to implement the plan, including:

(i) Established eligibility criteria for multi-hazard mitigation measures.

(ii) A system to determine the cost effectiveness of mitigation measures, consistent with OMB Circular A-94, Guidelines and Discount Rates for Benefit-Cost Analysis of Federal Programs, and to rank the measures according to the State's eligibility criteria.

(iii) Demonstration that the State has the capability to effectively manage the HMGP as well as other mitigation grant programs, including a record of the following:

(A) Meeting HMGP and other mitigation grant application timeframes and submitting complete, technically feasible, and eligible project applications with appropriate supporting documentation;

(B) Preparing and submitting accurate environmental reviews and benefit-cost analyses;

(C) Submitting complete and accurate quarterly progress and financial reports on time; and
(D) Completing HMGP and other mitigation grant projects within established performance periods, including financial reconciliation.

(iv) A system and strategy by which the State will conduct an assessment of the completed mitigation actions and include a record of the effectiveness (actual cost avoidance) of each mitigation action.

(3) Demonstration that the State effectively uses existing mitigation programs to achieve its mitigation goals.

(4) Demonstration that the State is committed to a comprehensive state mitigation program, which might include any of the following:

(i) A commitment to support local mitigation planning by providing workshops and training, State planning grants, or coordinated capability development of local officials, including Emergency Management and Floodplain Management certifications.

(ii) A statewide program of hazard mitigation through the development of legislative initiatives, mitigation councils, formation of public/private partnerships, and/or other executive actions that promote hazard mitigation.

(iii) The State provides a portion of the non-Federal match for HMGP and/or other mitigation projects.

(iv) To the extent allowed by State law, the State requires or encourages local governments to use a current version of a nationally applicable model building code or standard that addresses natural hazards as a basis for design and construction of State sponsored mitigation projects.

(v) A comprehensive, multi-year plan to mitigate the risks posed to existing buildings that have been identified as necessary for post-disaster response and recovery operations.

(vi) A comprehensive description of how the State integrates mitigation into its post-disaster recovery operations.

(c) Review and updates.

(1) A State must review and revise its plan to reflect changes in development, progress in statewide mitigation efforts, and changes in priorities, and resubmit it for approval to the appropriate Regional Director every three years. The Regional review will be completed within 45 days after receipt from the State, whenever possible.

(2) In order for a State to be eligible for the 20 percent HMGP funding, the Enhanced State Mitigation plan must be approved by FEMA within the three years prior to the current major disaster declaration.

Sec. 201.6 Local Mitigation Plans.

The local mitigation plan is the representation of the jurisdiction's commitment to reduce risks from natural hazards, serving as a guide for decision makers as they commit resources to reducing the effects of natural hazards. Local plans will also serve as the basis for the State to provide technical assistance and to prioritize project funding.

(a) Plan requirements. (1) A local government must have a mitigation plan approved pursuant to this section in order to receive HMGP project grants. The Administrator may, at his discretion, require a local mitigation plan for the Repetitive Flood Claims Program. A local government must have a mitigation plan approved pursuant to this section in order to apply for and receive mitigation project grants under all other mitigation grant programs.

(2) Plans prepared for the FMA program, described at part 79 of this chapter, need only address these requirements as they relate to flood hazards in order to be eligible for FMA project grants. However, these plans must be clearly identified as being flood mitigation plans, and they will not meet the eligibility criteria for other mitigation grant programs, unless flooding is the only natural hazard the jurisdiction faces.

(3) Regional Directors may grant an exception to the plan requirement in extraordinary circumstances, such as in a small and impoverished community, when justification is provided. In these cases, a plan will be completed within 12 months of the award of the project grant. If a plan is not

provided within this timeframe, the project grant will be terminated, and any costs incurred after notice of grant's termination will not be reimbursed by FEMA.

(4) Multi-jurisdictional plans (e.g. watershed plans) may be accepted, as appropriate, as long as each jurisdiction has participated in the process and has officially adopted the plan. State-wide plans will not be accepted as multi-jurisdictional plans.

(b) Planning process. An open public involvement process is essential to the development of an effective plan. In order to develop a more comprehensive approach to reducing the effects of natural disasters, the planning process shall include:

(1) An opportunity for the public to comment on the plan during the drafting stage and prior to plan approval;

(2) An opportunity for neighboring communities, local and regional agencies involved in hazard mitigation activities, and agencies that have the authority to regulate development, as well as businesses, academia and other private and non-profit interests to be involved in the planning process; and

(3) Review and incorporation, if appropriate, of existing plans, studies, reports, and technical information.

(c) Plan content. The plan shall include the following:

(1) Documentation of the planning process used to develop the plan, including how it was prepared, who was involved in the process, and how the public was involved.

(2) A risk assessment that provides the factual basis for activities proposed in the strategy to reduce losses from identified hazards. Local risk assessments must provide sufficient information to enable the jurisdiction to identify and prioritize appropriate mitigation actions to reduce losses from identified hazards. The risk assessment shall include:

(i) A description of the type, location, and extent of all natural hazards that can affect the jurisdiction. The plan shall include information on previous occurrences of hazard events and on the probability of future hazard events.

(ii) A description of the jurisdiction's vulnerability to the hazards described in paragraph (c)(2)(i) of this section. This description shall include an overall summary of each hazard and its impact on the community. All plans approved after October 1, 2008 must also address NFIP insured structures that have been repetitively damaged by floods. The plan should describe vulnerability in terms of:

(A) The types and numbers of existing and future buildings, infrastructure, and critical facilities located in the identified hazard areas;

(B) An estimate of the potential dollar losses to vulnerable structures identified in paragraph (c)(2)(i)(A) of this section and a description of the methodology used to prepare the estimate;

(C) Providing a general description of land uses and development trends within the community so that mitigation options can be considered in future land use decisions.

(iii) For multi-jurisdictional plans, the risk assessment section must assess each jurisdiction's risks where they vary from the risks facing the entire planning area.

(3) A mitigation strategy that provides the jurisdiction's blueprint for reducing the potential losses identified in the risk assessment, based on existing authorities, policies, programs and resources, and its ability to expand on and improve these existing tools. This section shall include:

(i) A description of mitigation goals to reduce or avoid long-term vulnerabilities to the identified hazards.

(ii) A section that identifies and analyzes a comprehensive range of specific mitigation actions and projects being considered to reduce the effects of each hazard, with particular emphasis on new and existing buildings and infrastructure. All plans approved by FEMA after October 1, 2008, must also address the jurisdiction's participation in the NFIP, and continued compliance with NFIP requirements, as appropriate.

(iii) An action plan describing how the actions identified in paragraph (c)(2)(ii) of this section will be prioritized, implemented, and administered by the local jurisdiction. Prioritization shall include a special emphasis on the extent to which benefits are maximized according to a cost benefit review of the proposed projects and their associated costs.

(iv) For multi-jurisdictional plans, there must be identifiable action items specific to the jurisdiction requesting FEMA approval or credit of the plan.

(4) A plan maintenance process that includes:
(i) A section describing the method and schedule of monitoring, evaluating, and updating the mitigation plan within a five-year cycle.
(ii) A process by which local governments incorporate the requirements of the mitigation plan into other planning mechanisms such as comprehensive or capital improvement plans, when appropriate.
(iii) Discussion on how the community will continue public participation in the plan maintenance process.

(5) Documentation that the plan has been formally adopted by the governing body of the jurisdiction requesting approval of the plan (e.g., City Council, County Commissioner, Tribal Council). For multi-jurisdictional plans, each jurisdiction requesting approval of the plan must document that it has been formally adopted.

(d) Plan review. (1) Plans must be submitted to the State Hazard Mitigation Officer for initial review and coordination. The State will then send the plan to the appropriate FEMA Regional Office for formal review and approval. Where the State point of contact for the FMA program is different from the SHMO, the SHMO will be responsible for coordinating the local plan reviews between the FMA point of contact and FEMA

(2) The Regional review will be completed within 45 days after receipt from the State, whenever possible.

(3) A local jurisdiction must review and revise its plan to reflect changes in development, progress in local mitigation efforts, and changes in priorities, and resubmit it for approval within 5 years in order to continue to be eligible for mitigation project grant funding.

(4) Managing States that have been approved under the criteria established by FEMA pursuant to 42 U.S.C. 5170c(c) will be delegated approval authority for local mitigation plans, and the review will be based on the criteria in this part. Managing States will review the plans within 45 days of receipt of the plans, whenever possible, and provide a copy of the approved plans to the Regional Office.

Sec. 201.7 Tribal Mitigation Plans.

The Indian Tribal Mitigation Plan is the representation of the Indian tribal government's commitment to reduce risks from natural hazards, serving as a guide for decision makers as they commit resources to reducing the effects of natural hazards.

(a) *Plan requirement.* (1) Indian tribal governments applying to FEMA as a grantee must have an approved Tribal Mitigation Plan meeting the requirements of this section as a condition of receiving non-emergency Stafford Act assistance and FEMA mitigation grants. Emergency assistance provided under 42 U.S.C. 5170a, 5170b, 5173, 5174, 5177, 5179, 5180, 5182, 5183, 5184, 5192 will not be affected. Mitigation planning grants provided through the PDM program, authorized under section 203 of the Stafford Act, 42 U.S.C. 5133, will also continue to be available.

(2) An Indian tribal government may choose to address severe repetitive loss properties in their plan, as identified in 44 CFR part 201.4(c)(3)(v), to receive the reduced cost share for the FMA and SRL programs.

(3) Indian tribal governments applying through the State as a subgrantee must have an approved Tribal Mitigation Plan meeting the requirements of this section in order to receive HMGP project grants. The Administrator, at his discretion may require a local mitigation plan for the Repetitive Flood Claims Program. A tribe must have an approved Tribal Mitigation Plan in order to apply for and receive FEMA mitigation project grants, under all other mitigation grant programs.

(4) Multi-jurisdictional plans (e.g. county-wide or watershed plans) may be accepted, as appropriate, as long as the Indian tribal government has participated in the process and has officially adopted the plan. Indian tribal governments must address all the elements identified in this section to ensure eligibility as a grantee or as a subgrantee.

(b) An effective planning process is essential in developing and maintaining a good plan. The mitigation planning process should include coordination with other tribal agencies, appropriate Federal agencies, adjacent jurisdictions, interested groups, and be integrated to the extent possible with other ongoing tribal planning efforts as well as other FEMA mitigation programs and initiatives.

(c) *Plan content.* The plan shall include the following:

(1) Documentation of the *planning process* used to develop the plan, including how it was prepared, who was involved in the process, and how the public was involved. This shall include:

(i) An opportunity for the public to comment on the plan during the drafting stage and prior to plan approval, including a description of how the Indian tribal government defined “public;”

(ii) As appropriate, an opportunity for neighboring communities, tribal and regional agencies involved in hazard mitigation activities, and agencies that have the authority to regulate development, as well as businesses, academia, and other private and nonprofit interests to be involved in the planning process;

(iii) Review and incorporation, if appropriate, of existing plans, studies, and reports; and

(iv) Be integrated to the extent possible with other ongoing tribal planning efforts as well as other FEMA programs and initiatives.

(2) A *risk assessment* that provides the factual basis for activities proposed in the strategy to reduce losses from identified hazards. Tribal risk assessments must provide sufficient information to enable the Indian tribal government to identify and prioritize appropriate mitigation actions to reduce losses from identified hazards. The risk assessment shall include:

(i) A description of the type, location, and extent of all natural hazards that can affect the tribal planning area. The plan shall include information on previous occurrences of hazard events and on the probability of future hazard events.

(ii) A description of the Indian tribal government's vulnerability to the hazards described in paragraph (c)(2)(i) of this section. This description shall include an overall summary of each hazard and its impact on the tribe. The plan should describe vulnerability in terms of:

(A) The types and numbers of existing and future buildings, infrastructure, and critical facilities located in the identified hazard areas;

(B) An estimate of the potential dollar losses to vulnerable structures identified in paragraph (c)(2)(i)(A) of this section and a description of the methodology used to prepare the estimate;

(C) A general description of land uses and development trends within the tribal planning area so that mitigation options can be considered in future land use decisions; and

(D) Cultural and sacred sites that are significant, even if they cannot be valued in monetary terms.

(3) A *mitigation strategy* that provides the Indian tribal government's blueprint for reducing the potential losses identified in the risk assessment, based on existing authorities, policies, programs and resources, and its ability to expand on and improve these existing tools. This section shall include:

(i) A description of mitigation goals to reduce or avoid long-term vulnerabilities to the identified hazards.

(ii) A section that identifies and analyzes a comprehensive range of specific mitigation actions and projects being considered to reduce the effects of each hazard, with particular emphasis on new and existing buildings and infrastructure.

(iii) An action plan describing how the actions identified in paragraph (c)(2)(ii) of this section will be prioritized, implemented, and administered by the Indian tribal government.

(iv) A discussion of the Indian tribal government's pre- and post-disaster hazard management policies, programs, and capabilities to mitigate the hazards in the area, including: An evaluation of tribal laws, regulations, policies, and programs related to hazard mitigation as well as to development in hazard-prone areas; and a discussion of tribal funding capabilities for hazard mitigation projects.

(v) Identification of current and potential sources of Federal, tribal, or private funding to implement mitigation activities.

(vi) An Indian tribal government may request the reduced cost share authorized under § 79.4(c)(2) of this chapter of the FMA and SRL programs if they have an approved Tribal Mitigation Plan meeting the requirements of this section that also identify actions the Indian tribal government has taken to reduce the number of repetitive loss properties (which must include severe repetitive loss properties), and specifies how the Indian tribal government intends to reduce the number of such repetitive loss properties.

(4) A *plan maintenance process* that includes:

(i) A section describing the method and schedule of monitoring, evaluating, and updating the mitigation plan.

(ii) A system for monitoring implementation of mitigation measures and project closeouts.

(iii) A process by which the Indian tribal government incorporates the requirements of the mitigation plan into other planning mechanisms such as reservation master plans or capital improvement plans, when appropriate.

(iv) Discussion on how the Indian tribal government will continue public participation in the plan maintenance process.

(v) A system for reviewing progress on achieving goals as well as activities and projects identified in the mitigation strategy.

(5) *Plan Adoption Process.* The plan must be formally adopted by the governing body of the Indian tribal government prior to submittal to FEMA for final review and approval.

(6) *Assurances.* The plan must include assurances that the Indian tribal government will comply with all applicable Federal statutes and regulations in effect with respect to the periods for which it receives grant funding, in compliance with part 13.11(c) of this chapter. The Indian tribal government will amend its plan whenever necessary to reflect changes in tribal or Federal laws and statutes as required in part 13.11(d) of this chapter.

(d) *Plan review and updates.* (1) Plans must be submitted to the appropriate FEMA Regional Office for formal review and approval. Indian tribal governments who would like the option of being a subgrantee under the State must also submit their plan to the State Hazard Mitigation Officer for review and coordination.

(2) The Regional review will be completed within 45 days after receipt from the Indian tribal government, whenever possible.

(3) Indian tribal governments must review and revise their plan to reflect changes in development, progress in local mitigation efforts, and changes in priorities, and resubmit it for approval within 5 years in order to continue to be eligible for non-emergency Stafford Act assistance and FEMA mitigation grant funding, with the exception of the Repetitive Flood Claims program.

PART 80—PROPERTY ACQUISITION AND RELOCATION FOR OPEN SPACE

Interim Rule FR Doc. E7–21265, published at 72 FR 61743, October 30, 2007

Subpart A—General

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Authority: Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 through 5206; the National Flood Insurance Act of 1968, as amended, 42 U.S.C. 4001 *et seq.*; Reorganization Plan No. 3 of 1978, 43 FR 41943, 3 CFR, 1978 Comp., p. 329; Homeland Security Act of 2002, 6 U.S.C. 101; E.O. 12127, 44 FR 19367, 3 CFR, 1979 Comp., p. 376; E.O. 12148, 44 FR 43239, 3 CFR, 1979 Comp., p. 412; E.O. 13286, 68 FR 10619, 3 CFR, 2003 Comp., p. 166.

Subpart A—General

§ 80.1 Purpose and scope.

This part provides guidance on the administration of FEMA mitigation assistance for projects to acquire property for open space purposes under all FEMA hazard mitigation assistance programs. It provides information on the eligibility and procedures for implementing projects for acquisition and relocation of at-risk properties from the hazard area to maintain the property for open space purposes. This part applies to property acquisition for open space project awards made under any FEMA hazard mitigation assistance program. This part supplements general program requirements of the funding grant program and must be read in conjunction with the relevant program regulations and guidance available at <http://www.fema.gov>. This part, with the exception of § 80.19 Land use and oversight, applies to projects for which the funding program application period opens or for which funding is made available pursuant to a major disaster declared on or after December 3, 2007. Prior to that date, applicable program regulations and guidance in effect for the funding program (available at <http://www.fema.gov>) shall apply. Section 80.19 Land use and oversight apply as of December 3, 2007 to all FEMA funded acquisitions for the purpose of open space.

§ 80.3 Definitions.

(a) Except as noted in this part, the definitions applicable to the funding program apply to implementation of this part. In addition, for purposes of this part:

(b) *Applicant* is the State or Indian tribal government applying to FEMA for a grant, and which will be accountable for the use of the funds.

(c) *Grantee* means the State or Indian tribal government to which FEMA awards a grant and which is accountable for the use of the funds provided. The grantee is the entire legal entity, even if only a particular component of the entity is designated in the grant award document.

(d) *Market Value* is generally defined as the amount in cash, or on terms reasonably equivalent to cash, for which in all probability the property would have sold on the effective date of the valuation, after a reasonable exposure time on the open competitive market, from a willing and reasonably knowledgeable seller to a willing and reasonably knowledgeable buyer, with neither acting under any compulsion to buy or sell, giving due consideration to all available economic uses of the property at the time of the valuation.

(e) *National of the United States* means a person within the meaning of the term as defined in the Immigration and Nationality Act, 8 U.S.C. section 1101(a)(22).

(f) *Purchase offer* is the initial value assigned to the property, which is later adjusted by applicable additions and deductions, resulting in a final offer amount to a property owner.

(g) *Qualified alien* means a person within the meaning of the term as defined at 8 U.S.C. 1641.

(h) "Qualified conservation organization" means a qualified organization with a conservation purpose pursuant to 26 CFR 1.170A-14 and applicable implementing regulations, that is such an organization at the time it acquires the property interest and that was such an organization at the time of the major disaster declaration, or for at least 2 years prior to the opening of the grant application period.

(i) *Subapplicant* means the entity that submits an application for FEMA mitigation assistance to the State or Indian tribal applicant/grantee. With respect to open space acquisition projects under the Hazard Mitigation Grant Program (HMGP), this term has the same meaning as given to the term "applicant" in part 206, subpart N of this chapter. Upon grant award, the subapplicant is referred to as the subgrantee.

(j) *Subgrant* means an award of financial assistance made under a grantee to an eligible subgrantee.

(k) *Subgrantee* means the State agency, community, or Indian tribal government or other legal entity to which a subgrant is awarded and which is accountable to the grantee for the use of the funds provided.

(l) *Administrator* means the head of the Federal Emergency Management Agency, or his/her designated representative, appointed under section 503 of the Post-Katrina Emergency Management Reform Act of 2006 (Pub. L. 109-295). The term also refers to the Director as discussed in part 2 of this chapter.

(m) *Regional Administrator* means the head of a Federal Emergency Management Agency regional office, or his/her designated representative, appointed under section 507 of the Post-Katrina Emergency Management Reform Act of 2006 (Pub. L. 109-295). The term also refers to Regional Directors as discussed in part 2 of this chapter.

§ 80.5 Roles and responsibilities.

The roles and responsibilities of FEMA, the State, the subapplicant/subgrantee, and participating property owners in the particular context of mitigation projects for the purpose of creating open space include the activities in this section. These are in addition to grants management roles and responsibilities identified in regulations and guidance of the program funding the project (available at <http://www.fema.gov>) and other responsibilities specified in this part.

(a) *Federal roles and responsibilities.* Oversee property acquisition activities undertaken under FEMA mitigation.

(1) Providing technical assistance to the applicant/grantee to assist in implementing project activities in compliance with this part;

(2) Reviewing applications for eligibility and compliance with this part;

(3) Reviewing proposals for subsequent transfer of a property interest and approving appropriate transferees;

(4) Making determinations on the compatibility of proposed uses with the open space purpose, in accordance with § 80.19;

(5) Complying with applicable Federal statutory, regulatory, and Executive Order requirements related to environmental and historic preservation compliance, including reviewing and supplementing, if

necessary, environmental analyses conducted by the State and subgrantee in accordance with part 10 of this chapter;

(6) Providing no Federal disaster assistance, flood insurance claims payments, or other FEMA assistance with respect to the property or any open-space related improvements, after the property interest transfers; and

(7) Enforcing the requirements of this part and the deed restrictions to ensure that the property remains in open space use in perpetuity.

(b) *State (applicant/grantee) roles and responsibilities.* Serve as the point of contact for all property acquisition activities by coordinating with the subapplicant/subgrantee and with FEMA to ensure that the project is implemented in compliance with this part, including:

(1) Providing technical assistance to the subapplicant/subgrantee to assist in implementing project activities in compliance with this part;

(2) Ensuring that applications are not framed in a manner that has the effect of circumventing any requirements of this part;

(3) Reviewing the application to ensure that the proposed activity complies with this part, including ensuring that the property acquisition activities remain voluntary in nature, and that the subgrantee and property owners are made aware of such;

(4) Submitting to FEMA subapplications for proposed projects in accordance with the respective program schedule and programmatic requirements, and including all the requisite information to enable FEMA to determine the eligibility, technical feasibility, cost effectiveness, and environmental and historic preservation compliance of the proposed projects;

(5) Reviewing proposals for subsequent transfer of property interest and obtaining FEMA approval of such transfers; and ensuring that all uses proposed for the property are compatible with open space project purposes;

(6) Making no application for, nor providing, Federal disaster assistance or other FEMA assistance for the property or any open-space related improvements, after the property interest transfers;

(7) Enforcing the terms of this part and the deed restrictions to ensure that the property remains in open space use in perpetuity; and

(8) Reporting on property compliance with the open space requirements after the grant is awarded.

(c) *Subapplicant/Subgrantee roles and responsibilities.* Coordinate with the applicant/grantee and with the property owners to ensure that the project is implemented in compliance with this part, including:

(1) Submitting all applications for proposed projects in accordance with the respective program schedule and programmatic requirements, and including all the requisite information to enable the applicant/grantee and FEMA to determine the eligibility, technical feasibility, cost effectiveness, and environmental and historic preservation compliance of the proposed projects

(2) Ensuring that applications are not framed in a manner that has the effect of circumventing any requirements of this part;

(3) Coordinating with the property owners to ensure they understand the benefits and responsibilities of participating in the project, including that participation in the project is voluntary, and that the property owner(s) are made aware of such

(4) Developing the application and implementing property acquisition activities in compliance with this part, and ensuring that all terms of the deed restrictions and grant award are enforced;

(5) Ensuring fair procedures and processes are in place to compensate property owners and tenants affected by the purchase of property; such as determining property values and/or the amount of the mitigation offer, and reviewing property owner disputes regarding such offers;

(6) Making no application for Federal disaster assistance, flood insurance, or other FEMA benefits for the property or any open-space related improvements, after the property interest transfers;

(7) Taking and retaining full property interest, consistent with this part; or if transferring such interest, obtaining approval of the grantee and FEMA;

(8) Submitting to the grantee and FEMA proposed uses on the property for open space compatibility determinations; and

(9) Monitoring and reporting on property compliance after the grant is awarded.

(d) *Participating property owner roles and responsibilities.* Notify the subapplicant/subgrantee of its interest to participate, provide information to the subapplicant/subgrantee, and take all required actions

necessary for the completion of the grant application and the implementation of property acquisition activities in accordance with this part.

Subpart B—Requirements Prior to Award

§ 80.7 General.

A project involving property acquisition or the relocation of structures for open space is eligible for hazard mitigation assistance only if the subapplicant meets the pre-award requirements set forth in this subpart. A project may not be framed in a manner that has the effect of circumventing the requirements of this subpart.

§ 80.9 Eligible and ineligible costs.

(a) *Allowable costs.* Eligible project costs may include compensation for the value of structures, for their relocation or demolition, for associated land, and associated costs. For land that is already held by an eligible entity, compensation for the land is not an allowable cost, but compensation for development rights may be allowable.

(b) *Pre-award costs.* FEMA may fund eligible pre-award project costs at its discretion and as funds are available. Grantees and subgrantees may be reimbursed for eligible pre-award costs for activities directly related to the development of the project proposal. These costs can only be incurred during the open application period of the respective grant program. Costs associated with implementation of the project but incurred prior to grant award are not eligible. Therefore, activities where implementation is initiated or completed prior to award are not eligible and will not be reimbursed.

(c) *Duplication of benefits.* Grant funds may not duplicate benefits received by or available to applicants, subapplicants and other project participants from insurance, other assistance programs, legal awards, or any other source to address the same purpose. Such individual or entity must notify the subapplicant and FEMA of all benefits that it receives, anticipates, or has available from other sources for the same purpose. FEMA will reduce the subgrant award by the amounts available for the same purpose from another source.

(d) *Negligence or other tortious conduct.* FEMA acquisition funds are not available where an applicant, subapplicant, other project participant, or third party's negligence or intentional actions contributed to the conditions to be mitigated. If the applicant, subapplicant, or project participant suspects negligence or other tortious conduct by a third party for causing such condition, they are responsible for taking all reasonable steps to recover all costs attributable to the tortious conduct of the third party. FEMA generally considers such amounts to be duplicated benefits available for the same purpose, and will treat them consistent with paragraph (c) of this section.

(e) FEMA mitigation grant funds are not available to satisfy or reimburse for legal obligations, such as those imposed by a legal settlement, court order, or State law.

§ 80.11 Project eligibility.

(a) *Voluntary participation.* Eligible acquisition projects are those where the property owner participates voluntarily, and the grantee/subgrantee will not use its eminent domain authority to acquire the property for the open space purposes should negotiations fail.

(b) *Acquisition of improved properties.* Eligible properties are those with at-risk structures on the property, including those that are damaged or destroyed due to an event. In some cases, undeveloped, at-risk land adjacent to an eligible property with existing structures may be eligible.

(c) *Subdivision restrictions.* The land may not be subdivided prior to acquisition except for portions outside the identified hazard area, such as the Special Flood Hazard Area or any risk zone identified by FEMA.

(d) *Subapplicant property interest.* To be eligible, the subapplicant must acquire or retain fee title (full property interest) as part of the project implementation. A pass through of funds from an eligible entity to an ineligible entity must not occur.

(e) *Hazardous materials.* Eligible properties include only those that are not contaminated with hazardous materials, except for incidental demolition and household hazardous waste.

(f) *Open space restrictions.* Property acquired or from which a structure is removed must be dedicated to and maintained as open space in perpetuity consistent with this part.

§ 80.13 Application information.

(a) An application for acquisition of property for the purpose of open space must include:

(1) A photograph that represents the appearance of each property site at the time of application;

(2) Assurances that the subapplicant will implement the project grant award in compliance with subparts C and D of this part;

(3) The deed restriction language, which shall be consistent with the FEMA model deed restriction that the local government will record with the property deeds. Any variation from the model deed restriction language can only be made with prior approval from FEMA's Office of General Counsel;

(4) The documentation of voluntary interest signed by each property owner, which must include that the subapplicant has informed them in writing that it will not use its eminent domain authority for the open space purpose; and

(5) Assurance that the subject property is not part of an intended, planned, or designated project area for which the land is to be acquired by a certain date, and that local and State governments have no intention to use the property for any public or private facility in the future inconsistent with this part;

(6) If the applicant is offering preevent value: certification that the property owner is a National of the United States or qualified alien; and

(7) Other information as determined by the Administrator.

(b) *Consultation regarding other ongoing Federal activities.* (1) The subapplicant must demonstrate that it has consulted with the United States Army Corps of Engineers (USACE) regarding the subject land's potential future use for the construction of a levee system. The subapplicant must also demonstrate that it has, and will, reject any future consideration of such use if it accepts FEMA assistance to convert the property to permanent open space.

(2) The subapplicant must demonstrate that it has coordinated with its State Department of Transportation to ensure that no future, planned modifications, improvements, or enhancements to Federal aid systems are under consideration that will affect the subject property.

(c) *Restriction on alternate properties.* Changes to the properties in an approved mitigation project will be considered by FEMA but not approved automatically. The subapplicant must identify the alternate properties in the project application and each alternate property must meet eligibility requirements in order to be considered.

Subpart C—Post-Award Requirements

§ 80.15 General.

A project involving property acquisition or the relocation of structures for open space must be implemented consistent with the requirements set forth in this subpart.

§ 80.17 Project implementation.

(a) *Hazardous materials.* The subgrantee shall take steps to ensure it does not acquire or include in the project properties contaminated with hazardous materials by seeking information from property owners and from other sources on the use and presence of contaminants affecting the property from owners of properties that are or were industrial or commercial, or adjacent to such. A contaminated property must be certified clean prior to participation. This excludes permitted disposal of incidental demolition and household hazardous wastes. FEMA mitigation grant funds may not be used for clean up or remediation of contaminated properties.

(b) *Clear title.* The subgrantee will obtain a title insurance policy demonstrating that fee title conveys to the subgrantee for each property to ensure that it acquires only a property with clear title. The

property interest generally must transfer by a general warranty deed. Any incompatible easements or other encumbrances to the property must be extinguished before acquisition.

(c) *Purchase offer and supplemental payments.* (1) The amount of purchase offer is the current market value of the property or the market value of the property immediately before the relevant event affecting the property ("pre-event").

(i) The relevant event for Robert T. Stafford Disaster Relief and Emergency Assistance Act assistance under HMGP is the major disaster under which funds are available; for assistance under the Pre-disaster Mitigation program (PDM) (42 U.S.C. 5133), it is the most recent major disaster. Where multiple disasters have affected the same property, the grantee and subgrantee shall determine which is the relevant event.

(ii) The relevant event for assistance under the National Flood Insurance Act is the most recent event resulting in a National Flood Insurance Program (NFIP) claim of at least \$5000.

(2) For acquisition of properties under the Severe Repetitive Loss program under part 79 of this subchapter, the purchase offer is not less than the greatest of the amount in paragraph (c)(1) of this section; the original purchase price paid by the participating property owner holding the flood insurance policy; or the outstanding amount of any loan to the participating property owner, which is secured by a recorded interest in the property at the time of the purchase offer.

(3) The grantee should coordinate with the subgrantee in their determination of whether the valuation should be based on pre-event or current market value. Generally, the same method to determine market value should be used for all participants in the project

(4) A property owner who did not own the property at the time of the relevant event, or who is not a National of the United States or qualified alien, is not eligible for a purchase offer based on pre-event market value of the property. Subgrantees will ask each participating property owner to certify that they are either a National of the United States or qualified alien before offering pre-event market value for the property.

(5) Certain tenants who must relocate as a result of the project are entitled to relocation benefits under the Uniform Relocation Assistance and Real Property Acquisition Policies Act (such as moving expenses, replacement housing rental payments, and relocation assistance advisory services) in accordance with 49 CFR part 24.

(6) If a purchase offer for a residential property is less than the cost of the homeowner-occupant to purchase a comparable replacement dwelling outside the hazard-prone area in the same community, the subgrantee for funding under the Severe Repetitive Loss program implemented at part 79 of this subchapter shall make available a supplemental payment to the homeowner-occupant to apply to the difference. Subgrantees for other mitigation grant programs may make such a payment available in accordance with criteria determined by the Administrator.

(7) The subgrantee must inform each property owner, in writing, of what it considers to be the market value of the property, the method of valuation and basis for the purchase offer, and the final offer amount. The offer will also clearly state that the property owner's participation in the project is voluntary.

(d) *Removal of Existing Buildings.* Existing incompatible facilities must be removed by demolition or by relocation outside of the hazard area within 90 days of settlement of the property transaction. The FEMA Regional Administrator may grant an exception to this deadline only for a particular property based upon written justification if extenuating circumstances exist, but shall specify a final date for removal.

(e) *Deed Restriction.* The subgrantee, upon settlement of the property transaction, shall record with the deed of the subject property notice of applicable land use restrictions and related procedures described in this part, consistent with FEMA model deed restriction language.

§ 80.19 Land use and oversight.

This section applies to acquisitions for open space projects to address flood hazards. If the Administrator determines to mitigate in other circumstances, he/ she will adapt the provisions of this section as appropriate

(a) *Open space requirements.* The property shall be dedicated and maintained in perpetuity as open space for the conservation of natural floodplain functions.

(1) These uses may include: Parks for outdoor recreational activities; wetlands management; nature reserves; cultivation; grazing; camping (except where adequate warning time is not available to

allow evacuation); unimproved, unpaved parking lots; buffer zones; and other uses FEMA determines compatible with this part.

(i) Allowable uses generally do not include: Walled buildings, levees, dikes, or floodwalls, paved roads, highways, bridges, cemeteries, landfills, storage of any hazardous or toxic materials, above or below ground pumping and switching stations, above or below ground storage tanks, paved parking, off-site fill or other uses that obstruct the natural and beneficial functions of the floodplain.

(ii) In the rare circumstances where the Administrator has determined competing Federal interests were unavoidable and has analyzed floodplain impacts for compliance with § 60.3 of this subchapter or higher standards, the Administrator may find only USACE projects recognized by FEMA in 2000 and improvements to pre-existing Federal-aid transportation systems to be allowable uses.

(2) No new structures or improvements will be built on the property except as indicated below:

(i) A public facility that is open on all sides and functionally related to a designated open space or recreational use;

(ii) A public restroom; or

(iii) A structure that is compatible with open space and conserves the natural function of the floodplain, which the Administrator approves in writing before the construction of the structure begins.

(3) Any improvements on the property shall be in accordance with proper floodplain management policies and practices. Structures built on the property according to paragraph (a)(2) of this section shall be floodproofed or elevated to at least the base flood level plus 1 foot of freeboard, or greater, if required by FEMA, or if required by any State or local ordinance, and in accordance with criteria established by the Administrator.

(4) After the date of property settlement, no Federal entity or source may provide disaster assistance for any purpose with respect to the property, nor may any application for such assistance be made to any Federal entity or source.

(5) The property is not eligible for coverage under the NFIP for damage to structures on the property occurring after the date of the property settlement, except for pre-existing structures being relocated off the property as a result of the project.

(b) *Subsequent transfer.* After acquiring the property interest, the subgrantee, including successors in interest, shall convey any interest in the property only if the Regional Administrator, through the State, gives prior written approval of the transferee in accordance with this paragraph.

(1) The request by the subgrantee, through the State, to the Regional Administrator must include a signed statement from the proposed transferee that it acknowledges and agrees to be bound by the terms of this section, and documentation of its status as a qualified conservation organization if applicable.

(2) The subgrantee may convey a property interest only to a public entity or to a qualified conservation organization. However, the subgrantee may convey an easement or lease to a private individual or entity for purposes compatible with the uses described in paragraph (a), of this section, with the prior approval of the Regional Administrator, and so long as the conveyance does not include authority to control and enforce the terms and conditions of this section.

(3) If title to the property is transferred to a public entity other than one with a conservation mission, it must be conveyed subject to a conservation easement that shall be recorded with the deed and shall incorporate all terms and conditions set forth in this section, including the easement holder's responsibility to enforce the easement. This shall be accomplished by one of the following means:

(i) The subgrantee shall convey, in accordance with this paragraph, a conservation easement to an entity other than the title holder, which shall be recorded with the deed, or

(ii) At the time of title transfer, the subgrantee shall retain such conservation easement, and record it with the deed.

(4) Conveyance of any property interest must reference and incorporate the original deed restrictions providing notice of the conditions in this section and must incorporate a provision for the property interest to revert to the subgrantee or grantee in the event that the transferee ceases to exist or loses its eligible status under this section.

(c) *Inspection.* FEMA, its representatives and assigns, including the grantee shall have the right to enter upon the property, at reasonable times and with reasonable notice, for the purpose of inspecting the property to ensure compliance with the terms of this part, the property conveyance and of the grant award.

(d) *Monitoring and reporting.* Every 3 years the subgrantee (in coordination with any current successor in interest) through the grantee, shall submit to the FEMA Regional Administrator a report certifying that the subgrantee has inspected the property within the month preceding the report, and that the property continues to be maintained consistent with the provisions of this part, the property conveyance and the grant award.

(e) *Enforcement.* The subgrantee, grantee, FEMA, and their respective representatives, successors and assigns, are responsible for taking measures to bring the property back into compliance if the property is not maintained according to the terms of this part, the conveyance, and the grant award. The relative rights and responsibilities of FEMA, the grantee, the subgrantee, and subsequent holders of the property interest at the time of enforcement, shall include the following:

(1) The grantee will notify the subgrantee and any current holder of the property interest in writing and advise them that they have 60 days to correct the violation.

(i) If the subgrantee or any current holder of the property interest fails to demonstrate a good faith effort to come into compliance with the terms of the grant within the 60-day period, the grantee shall enforce the terms of the grant by taking any measures it deems appropriate, including but not limited to bringing an action at law or in equity in a court of competent jurisdiction.

(ii) FEMA, its representatives, and assignees may enforce the terms of the grant by taking any measures it deems appropriate, including but not limited to 1 or more of the following:

(A) Withholding FEMA mitigation awards or assistance from the State and subgrantee; and current holder of the property interest.

(B) Requiring transfer of title. The subgrantee or the current holder of the property interest shall bear the costs of bringing the property back into compliance with the terms of the grant; or

(C) Bringing an action at law or in equity in a court of competent jurisdiction against any or all of the following parties: the grantee, the subgrantee, and their respective successors.

Subpart D—After the Grant Requirements

§ 80.21 Closeout requirements.

Upon closeout of the grant, the subgrantee, through the grantee, shall provide FEMA, with the following:

(a) A copy of the deed recorded for each property, demonstrating that each property approved in the original application was mitigated and that the deed restrictions recorded are consistent with the FEMA model deed restriction language to meet the requirements of this part;

(b) A photo of each property site after project completion;

(c) The latitude-longitude coordinates of each property site;

(d) Identification of each property as a repetitive loss property, if applicable; and

(e) Other information as determined by the Administrator.

Appendix 3

Mitigation Programs

Fact Sheets

Letters of Intent



FACT SHEET

HAZARD MITIGATION GRANT PROGRAM

Washington State Military Department

Emergency Management Division

Camp Murray, WA 98430

The Hazard Mitigation Grant Program (HMGP) is available to the State of Washington following a Presidential declaration of a major disaster. This state-administered program is authorized by the Robert T. Stafford Disaster Relief and Emergency Assistance Act, Section 404 of Public Law 93-288, as amended.

HMGP funds projects designed to reduce or eliminate the effects and costs of future disaster damage. Unlike the Federal Emergency Management Agency's more familiar public agency disaster assistance program that helps pay for permanent repair and restoration of existing facilities, the HMGP goes beyond fixing the damage. The HMGP— within the limits of federal and state program guidelines – helps fund a wide range of new projects that reduce hazard vulnerability and the potential of damage or used to develop or update a local or tribal Hazard Mitigation Plan.

ELIGIBLE APPLICANTS

State Government
Local Government

Certain Private Nonprofit Organizations providing
Like-Government Services and Facilities

Special Districts
Indian Tribes

Applicants must be jurisdictions that are participating and in good standing in the National Flood Insurance Program and in compliance with State Growth Management Act requirements, or located in a community that is.

FUNDING CONSTRAINTS

The grants are available to eligible applicants on a competitive basis on the following cost share: 75 percent federal and 25 percent non-federal (applicant and state normally split this share). The amount available for the HMGP is based on a percentage of FEMA expenditures on disaster assistance, which may limit the size of projects and grant awards. All mitigation project proposals will be evaluated against federal and state program criteria and they must be cost-effective

APPLICATION, FUNDING PROCESS

1. Potential applicants submit “Letters of Intent” (LOI) to participate in the program.
2. Following review of LOI's, State Emergency Management Division (EMD) provides application packets to eligible applicants with potentially eligible projects.
3. EMD reviews submitted applications for eligibility, with site visits conducted as necessary.
4. A review committee of state and local representatives evaluates and scores the applications. Local representatives are from outside the declared disaster area(s), if possible.
5. EMD recommends projects to FEMA for approval and funding based upon score and available funds.
6. FEMA makes grant awards following its review, to include environmental and historic preservation considerations, as required.
7. Upon notification of approval and funding, EMD prepares a grant funding agreement with the applicant and provides a notice to proceed.

ELIGIBLE PLANS, PROJECTS:

Following are examples of activities that the HMGP can fund:

- Development or revision of Hazard Mitigation Plans using 44 CFR 201 criteria.
 - **NOTE:** Applicants must have a FEMA-approved Hazard Mitigation plan in order to be eligible to apply for project grant funds.
- Structural hazard control, such as debris basins and retention ponds;
- Retrofitting structures such as water storage tanks, schools and bridges from seismic, flood or wind hazards.
- Acquisition, elevation or relocation of structures in areas of high hazard.
- Construction activities resulting in protection from hazards, such as rerouting or placing utility lines underground, and upgrading storm drainage and culverts.

Generally, projects should:

- Present the most practical, effective, and environmentally sound alternative;
- Provide cost-effective protection over the expected project life;
- Substantially reduce the risk of future damage, hardship, loss, or suffering from a major disaster;
- Conform with federal floodplain, wetland, and environmental regulations;
- Conform to the goals of the Growth Management Act; National Flood Insurance Program; and
- Solve a problem, or part of a problem when there is assurance that the whole project will be completed;
- Address a problem that is repetitive or that poses a significant risk if left unsolved;
- Contribute substantially to the problem's long-term solution;
- Have manageable future maintenance requirements;
- Have the documented support of the local community.

Among reasons previous projects were ineligible for funding:

- Project application failed to meet National Environmental Policy Act (NEPA) requirements for adequate public involvement in the development of the alternatives.
- Project is for operation and maintenance or deferred maintenance.
- Facility benefiting from the project falls under the authority of another federal agency such as the U.S. Department of Transportation, U.S. Army Corps of Engineers, or the Natural Resources Conservation Service.
- FEMA benefit-cost methodology determines project is not cost-effective.
- When HMGP project is part of a larger effort, applicant made no assurance that the entire project will be completed.

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FACT SHEET

PRE-DISASTER MITIGATION GRANT PROGRAM

Washington State Military Department

Emergency Management Division

Camp Murray, WA 98430

The Pre-Disaster Mitigation program, authorized by Section 203 of the Robert T. Stafford Disaster Assistance and Emergency Relief Act (Stafford Act), provides technical and financial assistance to states, local and tribal governments to assist in the implementation of cost-effective hazard mitigation measures designed to reduce injuries, loss of life, and damage and destruction of property. The State Emergency Management Division administers this program for the State of Washington.

Annual funding depends upon Congressional appropriation; in recent years, about \$100 million has been available on a nationally competitive basis for mitigation plans and projects. An application window of about 90 days has opened the past couple of years in mid fall. EMD announces application procedures as well as details of the annual funding and program guidance and as soon as FEMA makes them available.

ELIGIBLE PLANS, PROJECTS:

Mitigation Planning: Developing a new hazard mitigation plan, upgrading an existing FEMA-approved plan, or conducting a comprehensive review and update of an existing FEMA-approved plan, are eligible activities. The result must be a FEMA-approved hazard mitigation plan within three years of award that meets planning criteria outlined in 44 CFR Part 201. Funding for new plans is limited to \$1 million federal share, while funding for revising existing plans is limited to \$500,000 federal share.

Mitigation Projects: Multi-hazard mitigation projects must focus on natural hazards but also may address hazards caused by non-natural forces. Funding is limited to a \$3 million federal share per project sub-application. **Sub-applicants must have an adopted, FEMA-approved hazard mitigation plan by the federal application deadline to be eligible to receive project grant funding.** For the State of Washington's selection process, those sub-applicants with existing approved plans receive priority over those that have not completed their planning process.

Among the eligible mitigation projects are (see Program Guidance, Section 4.1):

- Acquisition or relocation of hazard-prone property for conversion to open space in perpetuity;
- Elevation of existing public or private structures to avoid coastal or riverine flooding;
- Structural and non-structural retrofitting of existing buildings and facilities to meet or exceed applicable building codes relative to hazard mitigation;
- Protective measures for utilities, water and sanitary sewer systems, and / or infrastructure.
- Storm water management projects to reduce or eliminate long-term risk from flood hazards;
- Localized flood control projects, such as certain ring levees and floodwall systems, designed specifically to protect critical facilities and that do not constitute a section of a larger flood control system.

ELIGIBILITY REQUIREMENTS

Projects should be technically feasible and meet the following federal and state criteria:

1. Be cost-effective and substantially reduce the risk of future damage, hardship, loss, or suffering resulting from a major disaster, and have a benefit-cost ratio of 1.0 or greater.
2. Be in conformance with the current FEMA-approved State Hazard Mitigation Plan;
3. Solve a problem independently or constitute a functional portion of a solution where there is assurance that the project as a whole will be completed.
4. Be in conformance with federal floodplain management and wetlands protection regulations.
5. Not duplicate benefits available from another source for the same purpose, including assistance that another Federal agency or program has the primary authority to provide.

6. Be located in a community participating in, and in good standing with, the National Flood Insurance Program, and in a community in compliance with the state's Growth Management Act.
7. Meet the requirements of applicable Federal, State, and local laws.

INELIGIBLE MITIGATION ACTIVITIES:

Ineligible planning activities (see Program Guidance, Section 3.2):

- Flood studies or flood mapping, and other mapping activities that are not part of a risk assessment;
- Risk assessments, technical assistance, studies, or workshops not resulting in a FEMA-approved hazard mitigation plan;
- Information dissemination activities that exceed 10 percent of the total planning sub-application, or that not tied directly to a PDM planning sub-application; and
- Limited revisions and amendments that do not result in comprehensive hazard mitigation plan update.

Ineligible project activities (see Program Guidance, Section 4.2):

- Major flood control / erosion projects such as the construction or repair of dikes, levees, floodwalls, seawalls, groins, jetties, or dams, waterway channelization, and beach nourishment or re-nourishment.
- Localized flood control projects that do not protect a critical facility or constitute a part of a larger project.
- Water quality infrastructure projects.
- Projects that address ecological issues related to land and forest management (i.e., insects, diseases, weather-related damages or infestations).
- Response and communication equipment, and warning and alert notification systems.
- Phased or partial projects, including engineering designs, feasibility or drainage studies not integral to the proposed project.
- Dry flood-proofing of residential structures.
- Generators and related equipment, such as hook-ups, for critical facilities that are not part of a larger eligible mitigation project sub-application and that is not directly tied to the hazard(s) that threaten the critical facility.
- Demolition / rebuild projects.
- Projects that solely address maintenance or repairs of existing structures, facilities or infrastructure.
- Projects that solely address a manmade hazard.

The state (program applicant) may be limited to the number of sub-applications it submits annually, depending upon annual program guidance. EMD will use a pre-application process, FEMA's on-line *eGrants* application system, and supplemental information (e.g., NFIP and Growth Management Act compliance) to prioritize sub-applications. In recent years, FEMA guaranteed each state at least \$500,000 for eligible sub-applications; remaining eligible sub-applicants competed nationally for remaining PDM funds. Each state is limited to a total of \$15 million federal in PDM funds annually.

PDM program guidance is available at <http://www.fema.gov/government/grant/pdm/index.shtm>.

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FACT SHEET

FLOOD MITIGATION ASSISTANCE PROGRAM

Washington State Military Department

Emergency Management Division

Camp Murray, WA 98430

The Flood Mitigation Assistance program (FMA) is available on an annual basis for cost-effective measures that reduce the risk of flood damage to structures that have flood insurance coverage. Funding is available for flood mitigation planning and implementation of flood mitigation projects. The State Emergency Management Division (EMD) administers the program and is responsible for selecting projects for funding. The State forwards selected applications to FEMA for eligibility determination. Individuals cannot apply directly for FMA funds, although their local government may submit an application on their behalf.

AVAILABLE FUNDING

Annual funding is through the National Flood Insurance Program, and can vary from year to year. In FFY 2007, FEMA notified EMD that Washington would receive the following federal funds for planning and projects. The state also received funding for technical assistance. All grants require a 25 percent applicant match, only half of which can be provided by in-kind contributions.

2007 FMA	Total Funds	Federal Share	Applicant Share
Project	\$ 271,800	\$ 203,580	\$ 68,220
Planning	\$ 27,733	\$ 20,800	\$ 6,933

The FFY 2007 FMA priority is to fund flood mitigation projects that reduce the number of repetitive loss structures currently insured by the National Flood Insurance Program (NFIP), although any cost-effective flood mitigation activity that reduce flood losses to any NFIP-insured property will be considered.

An application window of about 90 days has opened the past couple of years in mid fall. EMD will use a pre-application process, FEMA's on-line *eGrants* application system, and supplemental information (e.g., NFIP and Growth Management Act compliance) to prioritize sub-applications. EMD will announce application procedures as well as details of the annual funding and program guidance as soon as FEMA makes it available.

ELIGIBLE PROJECTS:

For a community to be considered for project funds, it must have 1) a FEMA-approved flood hazard reduction plan or a FEMA-approved Hazard Mitigation Plan that meets the criteria of 44 CFR Part 78.5, and 2) be a participant in good standing in the NFIP. EMD also requires communities to comply with state Growth Management Act requirements. Additionally, communities must have both zoning and building code authority for their community.

FMA funds can be used for the following plans and projects:

- Developing flood mitigation plans that meet criteria outlined in 44 CFR Part 78.5 (for those communities without a plan) or to revise an existing FEMA-approved hazard mitigation plan to meet the criteria of 44 CFR Part 78.5.
- Acquiring or relocating insured structures to reduce claims on the NFIP.
- Elevating insured residential structures above the 100-year flood.
- Elevating or dry flood proofing insured non-residential structures.

All properties involved in an FMA-funded project must have NFIP insurance at the time of project application.

INELIGIBLE PROJECTS:

In addition to the specific ineligible project activities listed below, any proposed activity that duplicates benefits received for the same purpose or that is within the primary authority of another federal program are ineligible for funding under FMA. The following project activities are not eligible for the FMA grant program:

- Major flood control and/or erosion projects such as the construction or repair of dikes, levees, floodwalls, seawalls, groins, jetties, breakwaters, dams, and waterway channelization.
- Dry flood proofing of residential structures.
- Phased or partial project that is dependent on another phase or part to be effective and/or feasible.
- Demolition of an existing structure and rebuilding a new structure on the same site (i.e., demolition-rebuilding).
- Studies that do not result in a completed mitigation project (e.g., engineering designs, feasibility studies, or drainage studies that are not integral to the proposed project).
- Flood studies or flood mapping.
- Projects that solely address maintenance or repairs of existing structures, facilities or infrastructure (e.g., debris removal, dredging).
- Generators, and related equipment, such as generator hook-ups, for non-critical facilities or as a stand-alone activity.
- Response and communication equipment, and warning and alert notification systems (e.g., NOAA weather radios).

ELIGIBILITY CRITERIA

The project sub-application must demonstrate:

- Cost-effectiveness using a FEMA-approved Benefit-Cost Analysis (BCA). A project with a benefit-cost ratio of 1.0 or greater is considered cost effective.
- All individual properties to be mitigated must have NFIP insurance at the time of project application.
- Conformance with 44 CFR Part 9, Floodplain Management and Protection of Wetlands, and 44 CFR Part 10, and any applicable environmental laws and regulations.
- Technical feasibility and the ability to be implemented.
- Conformance with the minimum standards of the NFIP Floodplain Management Regulations.
- Conformance with the FEMA-approved flood mitigation plan or flood hazard component of the community's FEMA-approved multi-hazard mitigation plan, (the type of project being proposed must be identified in the plan), where the plan is approved by FEMA by the application deadline.
- Located in a community participating and in good standing in the NFIP.
- Solving of a problem independently or constituting a functional portion of a solution where there is assurance that the project as a whole will be completed.
- Meeting the requirements of applicable Federal, State, Indian tribal, and local laws, implementing regulations, and executive orders.

See <http://www.fema.gov/government/grant/fma/index.shtm> for FMA program guidance.

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FACT SHEET

REPETITIVE FLOOD CLAIMS PROGRAM

Washington State Military Department

Emergency Management Division

Camp Murray, WA 98430

The Repetitive Flood Claims program (RFC) provides funding to acquire structures insured under the National Flood Insurance Program (NFIP) that have had one or more flood damage claims payments. The State Emergency Management Division (EMD) administers the program. Funds may only mitigate structures that are located within a state or community that cannot meet the requirements of the Flood Mitigation Assistance (FMA) program for either cost share or capacity to manage the activities.

Annual funding depends upon Congressional appropriation; \$10 million was available on a nationally competitive basis in Federal Fiscal Year 2007 for projects to acquire insured properties that demolish or relocate the structures out of the flood hazard zone and then convert the property to open space by deed restriction. All RFC grants are eligible for 100 percent federal assistance, i.e., there is no cost share required.

An application window of about 90 days has opened the past couple of years in mid fall. EMD will announce application procedures as well as details of the annual funding and program guidance as soon as FEMA makes them available. Eligible applicants are states, and local and tribal governments. Individuals cannot apply directly for RFC funds, although their local government may submit an application on their behalf.

While the FEMA guidance does not require specific planning conditions on sub-applicants as do the Pre-Disaster Mitigation or Hazard Mitigation Grant Program, EMD will continue to utilize the criteria in the State Hazard Mitigation Plan, June 2007. This means a sub-applicant must have or be part of a FEMA-approved Hazard Mitigation Plan in order for the state to consider its project for submission to FEMA.

Projects must be cost-effective according to FEMA-approved methodology. Sub-applications are ranked nationally in order of their greatest savings to the NFIP as verified by a benefit-cost analysis. FEMA may select individual properties from project sub-applications for grant award where appropriate to achieve the greatest savings to the NFIP.

As in other mitigation programs, sub-applicants also must be participating and in good standing in the National Flood Insurance Program (NFIP) and comply with requirements of the state of Washington's Growth Management Act (GMA).

FEMA guidance requires that the state must certify that either:

- The state or sub-applicant cannot meet the 25 percent non-federal match that would otherwise make the activity eligible under the Flood Mitigation Assistance (FMA) program, **OR**
- The state or sub-applicant does not have the capacity to manage the activities under the FMA program.

Because the state has the capacity to meet both of these requirements, sub-applicants will be required to document that they meet this "Reduced Capacity Requirement."

See <http://www.fema.gov/government/grant/rfc/index.shtm> for RFC program guidance.

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FACT SHEET

SEVERE REPETITIVE LOSS PROGRAM

Washington State Military Department

Emergency Management Division

Camp Murray, WA 98430

The Severe Repetitive Loss (SRL) grant program is authorized by the Bunning-Bereuter-Blumenauer Flood Insurance Reform Act of 2004 to provide funding to reduce or eliminate the long-term risk of flood damage to severe repetitive loss structures insured under the National Flood Insurance Program (NFIP). SRL properties are residential properties:

- a. That have at least four NFIP claim payments greater than \$5,000 each, with at least two such claims having occurred within any 10-year period, and the cumulative amount of such claims payments exceeding \$20,000; OR
- b. For which at least two separate claim payments have been made with the cumulative amount of the building portion of such claims exceeding the value of the property, when two such claims have occurred within any 10-year period.

As of May 2007, there were 41 residential properties and 3 non-residential properties in 10 counties listed as severe repetitive loss in Washington, with another 17 properties pending SRL validation. The number could grow following future floods.

Funding: Congress authorized up to \$40 million for each fiscal year 2005 through 2009.

Purpose: Reduce or eliminate claims under the NFIP through activities that will result in the greatest savings to the National Flood Insurance Fund.

Eligible applicants: States, and local and Indian tribal governments.

Eligible activities: Flood-proofing (historical properties only); relocation; elevation; acquisition; mitigation reconstruction (demolition-rebuild); and minor physical localized flood control projects.

Federal / Non-Federal cost share: 75 percent federal / 25 percent applicant. Up to 90 percent federal / 10 percent applicant cost-share funding available for projects in states and federally recognized Indian tribes with FEMA-approved Hazard Mitigation Plans that include a strategy for mitigating existing and future severe repetitive loss properties.

Program Status: The Severe Repetitive Loss Program remains under development, with FEMA writing rules that are projected to be available for review in the Fall of 2007. Roll-out of the program will follow publication of rules in the Federal Register.

Application Procedures, Program Guidance: EMD will announce application procedures as well as details of funding and program guidance as soon as FEMA makes it available.

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MITIGATION PROJECT LETTER OF INTENT

Washington State Military Department

Emergency Management Division

Camp Murray, WA 98430

The Emergency Management Division manages FEMA-funded mitigation grant programs that help fund cost-effective projects designed to reduce or prevent structural damage caused by hazard events. Flood-related programs focus on repetitively damaged properties that cause the largest financial drain on the National Flood Insurance Fund.

The purpose of this form is to establish your jurisdiction's interest in the program, and to identify projects that are a priority to reduce or eliminate future damage or loss in your jurisdiction. Each mitigation program has its own specific eligibility and project requirements. Please consult program guidance for details on the program from which you will be seeking funds before completing and returning this document to State EMD.

Applicant Type:		
<input type="checkbox"/> State Government	<input type="checkbox"/> Local Government	<input type="checkbox"/> Indian Tribe
<input type="checkbox"/> Special Purpose District	<input type="checkbox"/> Public/Tribal College or University	<input type="checkbox"/> Other _____

Name/Address of Jurisdiction:

Contact Person:

Phone Number:

Email:

**Cost of Project
(estimated):**

\$ _____

County of Jurisdiction:

Mitigation Program:

(please circle the program from which
you are seeking funds for this project)

Hazard Mitigation Grant Program Pre-Disaster Mitigation

Flood Mitigation Assistance

Repetitive Flood Claims Severe Repetitive Loss

If your jurisdiction does not have or does not participate in a FEMA-approved Hazard Mitigation Plan, you are ineligible to apply for mitigation project funds.

1. What is the natural hazard that you intend to address? _____
2. Describe the structure(s) vulnerable to the identified hazard? Is (are) the structure(s) considered repetitive loss or severe repetitive loss structure(s) – YES or NO? _____

3. What are the impacts of the hazard on the identified structure(s)? _____

4. How do you propose to mitigate the impact(s) of the hazard upon the identified structure(s)? Please specify the mitigation measure(s) to be employed. _____

5. How will this project solve the hazard-related problem? _____

6. Estimated quantifiable benefit of this project*: \$_____ (in dollars)

* This can include previous damages, future damages mitigated, and property value losses prevented. If possible, use FEMA-approved methodology.

7. Source of Local Share: _____ (varies by program, see guidance)

8. What is the Life of the project (in years)? _____

9. Is this site covered or connected to a Project Worksheet under (Public Assistance Program) Repair and Restoration Program of PL 93-288, as amended? ☐ Yes ☐ No

Project Worksheet # _____

Please answer the following YES or NO questions to help determine whether your project may be eligible for a hazard mitigation project grant:

- | | | |
|---|------------------------------|-----------------------------|
| 1. Substantially reduces the risk of future damage, hardship, loss, or suffering from a hazard? | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| 2. Address a problem that is repetitive or that poses a significant risk if left unsolved? | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| 3. Contribute substantially to a long-term solution? | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| 4. Provide cost-effective protection over the expected project life? | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| 5. Conform to federal and state environmental regulations? | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| 6. Has manageable future maintenance requirements? | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| 7. Reflect the most practical, effective and environmentally sound solution from among all alternatives considered. | <input type="checkbox"/> Yes | <input type="checkbox"/> No |

If you answered NO to any of the above questions, your project may not be eligible for a mitigation grant.

Additionally:

- | | | |
|--|------------------------------|-----------------------------|
| 1. Is your jurisdiction participating and in good standing in the National Flood Insurance Program (NFIP)? | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| 2. Is your community in compliance with the Growth Management Act (GMA)? | <input type="checkbox"/> Yes | <input type="checkbox"/> No |

If either answer is NO, your project application cannot be considered for a mitigation grant.

PLEASE RETURN TO ADDRESS BELOW NO LATER THAN: 5 p.m., Dec. 5, 2007

Return Address: Mark Stewart
State Hazard Mitigation Programs Manager
Washington State Military Department
Emergency Management Division
Building 20, MS: TA-20
Camp Murray, WA 98430-5122

Email: m.stewart@emd.wa.gov

Fax: (253) 512-7205

Note: Completed Letter of Intent, includes those sent via postal mail, must be received by Emergency Management Division by date and time listed above. No exceptions. Only one LOI per project, please.

This is NOT an application. You will be provided information allowing you to apply via FEMA's eGrants web site at a later date. If you have questions, contact Mark Stewart at (253) 512-7072.



MITIGATION PLAN LETTER OF INTENT

Washington State Military Department

Emergency Management Division

Camp Murray, WA 98430

The Emergency Management Division manages FEMA-funded mitigation grant programs that help fund hazard mitigation plans. The purpose of this form is to establish your jurisdiction's interest in applying for a grant to develop a natural hazards mitigation plan in accordance with 44CFR Part 201.6 (local jurisdiction) or Part 201.7 (Indian Tribe) through one of the mitigation grant programs noted below.

Each mitigation program has its own specific eligibility and other requirements. Please consult program guidance for details on the program from which you will be seeking funds before completing and returning this document to State EMD. *NOTE: Planning for project development" is not eligible under these programs.*

Applicant Type:		
<input type="checkbox"/> State Government	<input type="checkbox"/> Local Government	<input type="checkbox"/> Indian Tribe
<input type="checkbox"/> Special Purpose District	<input type="checkbox"/> Public/Tribal College or University	<input type="checkbox"/> Other _____

Name/Address of Jurisdiction:

Contact Person:

Phone Number:

Email:

County of Jurisdiction:

Cost of Plan
(estimated):

\$

Source of Local Match
(25% Minimum):

Mitigation Program:

(please highlight the program
from which you are seeking funds
for this project)

Hazard Mitigation Grant Program

Pre-Disaster Mitigation

Flood Mitigation Assistance

- What are the **Hazards** that affect your jurisdiction? _____
- What are your **Risks** and **Impacts** of these hazards upon your jurisdiction? _____
- How will the plan help resolve the impacts of the hazards upon your jurisdiction? _____
- Additionally, is your jurisdiction participating and in good standing in the National Flood Insurance Program (NFIP)? ☐ Yes ☐ No
NEW: A condition of receiving a planning grant will require the applicant jurisdiction to join National Flood Insurance Program if not already a member.
Is your community in compliance with the Growth Management Act (GMA)? ☐ Yes ☐ No
If either answer in #4 is NO, you are not eligible to apply for mitigation grant funds.

Please return to address below no later than

5 p.m., Feb. 29, 2008

Return Address:

Mark Stewart
State Hazard Mitigation Programs Manager
Washington State Military Department
Emergency Management Division
MS: TA-20, Building 20
Camp Murray, WA 98430-5122

Email: m.stewart@emd.wa.gov

Fax: (253) 512-7205

This is NOT an application. You will be provided information allowing you to apply via FEMA's eGrants web site at a later date. If you have any questions, contact Mark Stewart at (253) 512-7072.

Note: Completed Letter of Intent, including those sent via postal mail, must be received by Emergency Management Division by date and time listed above. No exceptions. Only one submission per plan, please.

Appendix 4

Mitigation Program Evaluation Systems

HMGP Project Application

HMGP Planning Application

PDM Project Application

PDM Project Ranking

PDM Planning Application

Local Hazard Mitigation Plan (44 CFR 201.6)



**WASHINGTON STATE MILITARY DEPARTMENT
EMERGENCY MANAGEMENT DIVISION**

***MITIGATION GRANT PROGRAMS
PROJECT APPLICATION EVALUATION SYSTEM***

INTRODUCTION

The state is responsible for recommending hazard mitigation projects to the Federal Emergency Management Agency (FEMA) for final approval and funding under the Stafford Act.

To help jurisdictions develop mitigation grant applications, the Division established criteria consistent with that set forth in the Stafford Act, 44 CFR 206.434 (b), the Washington State *Hazard Mitigation Grant Programs Administrative Guidelines and Procedures* document, and the *Washington State Enhanced Hazard Mitigation Plan* of January 2008.

All mitigation grant applications will be evaluated against established criteria. If funding requested in eligible applications exceeds the amount available in grant programs, the Department will establish a Mitigation Grant Review Committee consisting of state and local representatives. The purpose of the Committee is to review, evaluate and prioritize eligible applications.

PROCEDURES

Applications will be reviewed to ensure they meet minimum state and federal eligibility requirements prior to evaluation and scoring by Department staff or the Mitigation Grant Review Committee.

If necessary, the Committee will conduct an open meeting to discuss each project application in accordance with the *Hazard Mitigation Grant Programs Administrative Guidelines and Procedures*, Section IX B, *Review, Ranking and Selection of Projects* and the following evaluation system.

SCORING

The application evaluation package corresponds to the format of the grant application.

Each section has an assigned point value:

Part 1, Federal Criteria/State Goals and Objectives, is weighted at 130 points. The answers to this section are found in "Chapter 1" of the revised application.

Part 2, Alternatives, is weighted at 20 points. The information for this section is found in "Chapter 2" of the revised application.

The total possible score is **150 points**.

SCORING, continued

In the event of a tie score, the Cost-to-Benefits Ratio may be used as a tie breaker. Due to the varied scoring criteria per section, the following guidelines, definitions, and percentages have been developed to help in consistent scoring:

CRITICAL RISK	80% - 100%	Documented SEVERE public health and safety problems.
SERIOUS RISK	70% - 79%	High potential for SERIOUS public health, safety, or environmental problems.
MODERATE RISK	60% - 69%	Moderately SERIOUS problems, high maintenance and operations costs, inefficient.
ROUTINE	0% - 59%	ROUTINE activities or non-mitigation projects ; projects that lack adequate information upon which to make an informed judgment.

Example: If the answer to Question 1 in Part 3 ("Protect lives and reduce risk") demonstrates severe problems such as a high hazard, the evaluator should score the answer within the 80-100 percent range of the 20 points available (16 - 20 points)



HAZARD MITIGATION GRANT PROGRAMS
PROJECT EVALUATION SCORE SHEET

APPLICANT: _____

PROJECT TITLE/DESCRIPTION: _____

SCORES: PART 1 _____ **PART 2:** _____

TOTAL:

PART 1. FEDERAL AND STATE CRITERIA 0 - 130 POINTS (Chapter 1)

Please rate how the proposed project meets or exceeds each of federal and state criteria below:

Does the application / project show:

1. The jurisdiction has an approved natural hazard mitigation plan? 0 - 5 pts _____

2. If yes, is this project identified within it? 0 – 5 pts _____

3. That it protects lives and reduces public risk? 0 - 20 pts _____

4. That it reduces the level of hazard damage vulnerability in existing structures and developed property 0 - 15 pts _____

5. That it reduces the number of vulnerable structures through acquisition, relocation, or retrofit? Does the jurisdiction describe plans for the acquired property (open space, etc.)? 0 - 10 pts_____
6. That it addresses structures in repetitive flood loss areas either by an acquisition, elevation, or relocation? 0 – 5 pts_____
7. That it avoids inappropriate future development in areas that are vulnerable to the hazard damage? 0 - 8 pts_____
8. That it solves a problem independently, or functions as a beneficial part of an overall solution? 0 - 8 pts _____
9. That it provides a cooperative, inter-jurisdictional / inter-agency solution to the problem? 0 - 7 pts_____
10. That it provides a long-term mitigation solution (not a short-term fix in locations that experience repetitive hazard damage? 0 - 7 pts_____

11. That it addresses emerging hazard damage issues? (e.g., damage caused by stormwater runoff at build-out densities, trees in right-of-ways, identification of new EQ faults, etc.) 0 - 5 pts_____
12. That it restores or protects natural resource, recreational, open space, and / or built environment values? 0 - 5 pts_____
13. That it develops and implements comprehensive programs, standards, and regulations that reduce future hazard damage? 0 - 5 pts _____
14. That it increases public awareness of hazards, preventive measures, and emergency responses to disasters? 0 - 5 pts_____
15. That it has affordable operation and maintenance costs the applicant is committed to support upon completion? 0 - 5 pts_____
16. That the jurisdiction documented how the project improves its ability to protect its critical areas, as required by the Growth Management Act? 0 – 10 pts_____

The state's goal is to fund projects that can be completed within the contract period, once approved by FEMA. Additionally, it is to the benefit of the state to fund projects that can be completed within the shortest time period, thereby providing mitigation benefits sooner

One of the following point values should be awarded to the project score:

Project completed within: 0 - 12 months upon approval? 5 pts _____

13 - 24 months upon approval? 2 pts _____

PART 2. SELECTION OF THE BEST ALTERNATIVE (Chapter 2) 0 - 20 pts _____

Applicants must demonstrate, through a written narrative that describes each alternative considered, and that describes the chosen alternative is the **most practical, effective, and environmentally-sound** among the possible solutions. Applicants must show at least three alternatives.

REVIEWER REMARKS Pros and Cons of Project / Issues to discuss with the Committee:

Ordinal ranking among all PROJECT applications: _____



WASHINGTON STATE MILITARY DEPARTMENT EMERGENCY MANAGEMENT DIVISION

MITIGATION GRANT PROGRAMS PLANNING APPLICATION EVALUATION SYSTEM

INTRODUCTION

The Stafford Act requires local and tribal governments to develop a natural hazards mitigation plan in order to be eligible for the various federally funded mitigation grant programs.

To help jurisdictions develop mitigation grant applications, the Department established criteria consistent with that set forth in the Stafford Act, 44 CFR 206.434 (b), the Washington State *Hazard Mitigation Grant Programs Administrative Guidelines and Procedures* document, and the *Washington State Enhanced Hazard Mitigation Plan* of January 2008.

All mitigation grant applications will be evaluated against established criteria. If funding requested in eligible applications exceeds the amount available in grant programs, the Division will establish a Mitigation Grant Review Committee consisting of state and local representatives. The purpose of the Committee is to review, evaluate and prioritize eligible applications for funding.

PROCEDURES

Applications will be reviewed to ensure they meet minimum state and federal eligibility requirements prior to evaluation and scoring by Division staff or the Mitigation Grant Review Committee.

If necessary, the Committee will conduct an open meeting to discuss each project application in accordance with the *Hazard Mitigation Grant Programs Administrative Guidelines and Procedures*, Section IX B, *Review, Ranking and Selection of Projects* and the following evaluation system.

SCORING

The application evaluation package corresponds to the format of the grant application.

Each section has a maximum assigned point value:

- Part 1, Planning Process Element, is weighted at 15 points
- Part 2, Risk Assessment Element, is weighted at 35 points
- Part 3, Mitigation Strategy Element, is weighted at 130 points
- Part 4, Plan Maintenance Element, is weighted at 20 points

The total possible score is **200 points**.

SCORING, continued

Due to the varied scoring criteria per section, the following guidelines, definitions, and percentages have been developed to help maintain consistent scoring:

CRITICAL RISK	80% - 100%	Documented SEVERE public health and safety problems.
SERIOUS RISK	70% - 79%	High potential for SERIOUS public health, safety, or environmental problems.
MODERATE RISK	60% - 69%	Moderately SERIOUS problems, high maintenance and operations costs, inefficient.
ROUTINE	0% - 59%	ROUTINE activities or non-mitigation projects ; projects that lack adequate information upon which to make an informed judgment.



MITIGATION GRANT PROGRAMS
PLANNING APPLICATION EVALUATION SCORE SHEET

APPLICANT: _____

PROJECT TITLE/DESCRIPTION: _____

SCORES: PART 1 _____ **PART 2:** _____ **PART 3:** _____ **TOTAL:** _____

Please rate how well the application addresses each element of the criteria below:

PART 1. PLANNING PROCESS 15 – Points **0 - 15 pts** _____

Each question is weighted at 5 points.

1. How well does the applicant describe how it provides the public an opportunity to participate in the planning process?

2. How well does the applicant describe how it will include neighboring communities, local and regional agencies, business, academia, and other interests in the planning process?

3. How well does the applicant describe previous planning efforts and how it will incorporate them into this all-hazards planning process?

PART 2. RISK ASSESSMENT ELEMENT 35 – Points **0 - 35 pts** _____

Each question is weighted at 7 points.

1. If the applicant has a current Risk Assessment, does it contain a description of the type, location, and extent of all natural hazards that can affect the jurisdiction?

2. If the applicant does not have a Risk Assessment, how well does the application describe how it will be completed?

3. How well did the applicant document previous occurrences of hazard events and the probability of future hazard events?

4. Has the applicant completed a **vulnerability** assessment for the hazards identified in their risk assessment that includes:
 - a. The types and numbers of existing and future buildings, infrastructure and critical facilities located in the identified hazard areas;
 - b. An estimate of the potential dollar losses to vulnerable structures identified and a description of the methodology used to develop this estimate;
 - c. A general description of land uses and development trends within the community so that mitigation options can be considered in future land use decisions.
5. If the applicant has not completed a vulnerability assessment, how well did the application describe how it will complete the above elements of a vulnerability assessment?

PART 3. MITIGATION STRATEGY ELEMENT – 130 POINTS **0 – 130 pts.** _____

Each question is weighted at 10 points each.

1. If the applicant currently has a mitigation strategy does it contain a description of local mitigation goals and objectives with proposed strategies, programs, and actions to reduce or avoid long term vulnerabilities to the identified hazards?
2. If not, how well does the applicant describe how it will develop these goals, objectives, strategies, and programs?
3. Has the applicant conducted an analysis of a comprehensive range of specific mitigation actions and projects being considered to reduce the effects of each identified hazard, with particular emphasis on new and existing buildings and infrastructure?

4. If not, how well did the applicant describe how it will complete the analysis and what areas it will cover?
5. How well did the applicant describe how it will develop an action plan describing the actions in the analysis element and how it will prioritize and implement the plan?
6. Did the applicant develop a set of specific cost-effective mitigation projects that will reduce damages from future disaster that includes a summary of how it identified and prioritized these actions?
7. If not, did the applicant describe what types of projects it might consider and how it would prioritize them?
8. Did the applicant describe how these actions will support the mitigation goals and priorities of the community?
9. Did the applicant provide a description of its process to reduce the number of NFIP target repetitive loss properties in the community and a summary of how well the process works?
10. If not, did the applicant describe how it will address the repetitive flood loss issue in its community?
11. How well did the applicant describe whether or how it is committed to reducing damages from future natural disasters through the development of partnerships with businesses, academia and other private and non-profit interests able to provide financial or technical assistance in support of its mitigation goals and priorities? Did the applicant provide specific examples of any current activities?
12. How well did the applicant describe the development trends within its community and discuss actions to mitigate disaster losses?

13. Did the applicant discuss if its plan will require any interagency agreements to implement?

PART 4. PLAN MAINTENANCE ELEMENT – 20 POINTS

0 – 20 pts_____

Each question is weighted at 4 points each

How well does the applicant address the following:

1. A section describing the established method and schedule of monitoring, evaluating, and updating the mitigation plan within a five-year cycle.
2. A process by which the applicant will incorporate the requirements of the mitigation plan into other planning mechanisms, such as comprehensive or capital improvement plans.
3. A discussion on how the community will maintain public participation in the planning process.
4. Plans for formal adoption of the plan by the community.
5. A section describing how the local plan will be implemented and administered by the local government including discussion of how officials will approach and manage mitigation actions involving the acquisition of private property

REVIEWER REMARKS

Ordinal Ranking among all planning applications reviewed: _____

PDM Project Sub-Application Checklist

Mitigation project sub-applications must include the following to be eligible for consideration under the PDM program:

Sub-application ID (name/number or both): _____

1. Applicant Information: Provide name, type, and location of the sub-applicant (for States/Tribes, this may be the same as the Applicant), State and Federal tax numbers, and Federal Employer Identification Number	Is this Information Complete? YES / NO
Comments:	
2. Contact Information: Provide the name, agency, and address for the point of contact for the project sub-application.	Is this Information Complete? YES / NO
Comments:	
3. Sub-application Name: Applicants must verify that the sub-application name includes the location of the proposed activity and the activity type	Is this Information Complete? YES / NO
Comments:	

PDM Project Sub-Application Checklist

<p>4. Community Information: Select the name of the community or entity (<i>e.g.</i>, Tribe, college, university) that will benefit from the project subapplication. If the community or entity is not listed, please advise the FEMA Regional Office (See <i>Section 1.15, Regional Contact Information</i>). Provide a Community Profile with a brief description of the community to include population, location, any geographic areas of interest, description of critical facilities of a national, Statewide, or regional significance (<i>e.g.</i>, military bases, hydroelectric dams), a synopsis and history of hazards affecting the community, and other applicable information that will clarify the need for the mitigation project</p>	<p>Is this Information Complete? YES / NO</p>
<p>Comments:</p>	
<p>5. Mitigation Plan Information: Indicate whether the local entity that will benefit from the project subapplication is covered by a FEMA-approved tribal/local hazard mitigation plan and whether the State/Tribe/Territory is covered by a FEMA-approved and adopted State/tribal Standard or Enhanced hazard mitigation plan and describe how the proposed project aligns with the goals, objectives, and priorities identified in the existing State/tribal hazard mitigation plan. Provide reference to planning documents (<i>i.e.</i>, section and page number)</p>	<p>Is this Information Complete? YES / NO</p>

PDM Project Sub-Application Checklist

Comments:	
6. Mitigation Activity Information: Indicate the type and title of the proposed project, and whether construction is involved	Is this Information Complete? YES / NO
Comments:	
7. Hazard Information: Identify the hazard to be mitigated by the project and the location and dimensions (<i>i.e.</i> , area, volume, depth) of the project, including project site location on at least a 1:24,000 scale US Geological Survey (USGS) topographic map, photographs showing the project site, sketches, and/or drawings showing the project site (<i>e.g.</i> , appropriate sections of FIRM)	Is this Information Complete? YES / NO
Comments:	

PDM Project Sub-Application Checklist

8. Scope of Work: Describe the objectives, methodology, feasibility, outcomes, timeline, milestones, resources, deliverables, and benefits of as well as reasons for the proposed project, including work schedule/tasks for each activity and who will complete each task	Is this Information Complete? YES / NO
Comments: 	
9. Properties: Provide a list of properties (and alternative properties) to be mitigated. The property information history must include owner name, address, latitude and longitude, type of structure, hazard to be mitigated, damage category, year built, flood zone designation, NFIP repetitive loss number (if applicable), property action, and property BCA information	Is this Information Complete? YES / NO
Comments: 	
10. Decision Making Process: Identify alternatives considered to address the hazard prior to deciding upon the proposed project and describe the process used to determine that the proposed project is the best alternative to solve the identified problem and the reasons the alternatives were not selected	Is this Information Complete? YES / NO

PDM Project Sub-Application Checklist

Comments: 	
11. Cost Estimate: Provide all anticipated and potential costs for each proposed project activity, including Federal and non-Federal shares. Provide an Approved Indirect Cost Agreement, if applicable	Is this Information Complete? YES / NO
Comments: 	
12. Match Sources: Provide the non-Federal cost share for the proposed activity, including documentation to support the non-Federal cost share and subapplicant status as a small and impoverished community, if appropriate, for Federal cost share of up to 90% (See <i>Section 1.7, Cost Share Requirements</i>)	Is this Information Complete? YES / NO
Comments: 	
13. Cost-Effectiveness Information: Provide complete BCA and documentation, including damage history, methodology used for the event frequency determination, and all BCAs to support the project benefit-cost ratio	Is this Information Complete? YES / NO

PDM Project Sub-Application Checklist

Comments: 	
14. Environmental/Historic Preservation: Provide complete responses to established Environmental/Historic Preservation questions, and complete Environmental/Historic documentation	Is this Information Complete? YES / NO
Comments: 	
15. Maintenance Schedule: Provide a maintenance schedule, including cost information, and identify the entity that will perform long-term maintenance	Is this Information Complete? YES / NO
Comments: 	
16. Evaluation Information: Provide responses to the questions for each subapplication for competitive National Ranking and Evaluation, including documentation for the BCA	Is this Information Complete? YES / NO

PDM Project Sub-Application Checklist

Comments:	
17. Assurances and Certifications: If applicable in your Applicant State/Tribe/Territory, complete the Summary Sheet for Assurances and Certification, FEMA Form 20-16; Assurances-Non-Construction Programs, FEMA Form 20-16A; Assurances-Construction Programs, FEMA Form 20-16B; Certification Regarding Lobbying; Debarment, Suspension and Other Responsible Matters; Drug-Free Workplace Requirements, FEMA Form 20-16C; and Disclosure of Lobbying Activities, Standard Form LLL.	Is this Information Complete? YES / NO
Comments:	

PDM Application: _____

PDM project ranking factors	Comments
Address problem that is repetitive or posing significant risk to community?	
Most practical, effective and environmentally sound solution?	
Long-term solution to problem?	
Benefit cost ratio <ul style="list-style-type: none">• Completeness of BCA documentation	
Overall community benefit / impact: <ul style="list-style-type: none">• Project involves critical facility?• Reduces the number of vulnerable structures?• Project involves repetitive loss area / properties?	
Consistency with local and state mitigation plans <ul style="list-style-type: none">• Included in local HM plan? If not, how linked to plan• Linkage to state plan	
Completeness of project documentation / justification (engineering complete, cost estimate support, etc.)	

Recommended ranking: _____ of _____

PDM Planning Sub-Application Checklist

Mitigation planning sub-applications must include all of the following or will be removed for further consideration under the PDM grant program:

Sub-application ID (name/number or both): _____

1. Applicant Information: Provide name, type, and location of the sub-applicant (for States/Tribes, this may be the same as the Applicant), State and Federal tax numbers, and Federal Employer Identification Number	Is this Information Complete? YES / NO
Comments:	
2. Contact Information: Provide the name, agency, and address of the point of contact (POC) for the sub-applicant. The POC must be an official within the sub-applicant's organization.	Is this Information Complete? YES / NO
Comments:	
3. Sub-application Name: Applicants must verify that the sub-application name includes the location of the proposed activity and the activity type	Is this Information Complete? YES / NO

PDM Planning Sub-Application Checklist

Comments: 	
4. Community Information: Select the community or entity (<i>e.g.</i> , Tribe, college, university) that will benefit from the subapplication. If the community or entity is not listed, please advise the FEMA Regional Office (See <i>Section 1.15, Regional Contact Information</i>). Provide a Community Profile with a brief description of the community to include population, location, any geographic areas of interest, description of critical facilities of a national, Statewide, or regional significance. For multi-jurisdictional planning subapplications, both an overall Community Profile, and a brief profile for each potential participating jurisdiction must be provided to ensure NFIP participation compliance, as well as information on how the multi-jurisdictional planning effort will be coordinated	Is this Information Complete? YES / NO
Comments: 	
5. Mitigation Plan Information: Indicate whether the entity(ies) that will benefit from the subapplication and is/are covered by a FEMA approved State/Tribe hazard mitigation plan and identify any previous planning grants received	Is this Information Complete? YES / NO

PDM Planning Sub-Application Checklist

Comments:	
6. Mitigation Activity Information: Indicate the type, intent and title of the proposed planning activity. If the proposed planning activity is a comprehensive update to an existing FEMA approved hazard mitigation plan, indicate how it will address any identified deficiencies. The updated hazard mitigation plan must include a modified mitigation strategy and corresponding action items	Is this Information Complete? YES / NO
Comments:	
7. Hazard Information: Describe the area to be covered by the planning activity and identify the source of the hazards to be addressed in the planning activity. Include a synopsis and history of hazards affecting the community or entity, and other applicable information that will clarify the need for the mitigation planning effort. Attach a map with the planning area identified	Is this Information Complete? YES / NO
Comments:	

PDM Planning Sub-Application Checklist

8. Scope of Work: Describe the goals and objectives of the planning activity and how it will be implemented. For multi-jurisdictional planning sub-applications, provide information on how the multi-jurisdictional planning effort will be coordinated	Is this Information Complete? YES / NO
Comments: 	
9. Cost Estimate: Provide all anticipated and potential costs for each proposed planning activity, including Federal and non-Federal shares. Provide an Approved Indirect Cost Agreement, if applicable	Is this Information Complete? YES / NO
Comments: 	
10. Match Sources: Provide the non-Federal cost share for the proposed activity, including documentation to support the non-Federal cost share and subapplicant status as a small and impoverished community, if appropriate, for Federal cost share of up to 90% (See <i>Section 1.7, Cost Share Requirements</i>)	Is this Information Complete? YES / NO

PDM Planning Sub-Application Checklist

Comments:	
11. Cost-Effectiveness Information: All planning grants are exempt from a BCA; therefore, a BCA is not required to be submitted with planning sub-applications	Is this Information Complete? YES / NO
Comments:	
12. Evaluation Information: Provide responses to the Evaluation Information section questions for each planning sub-application for competitive National Ranking and Evaluation and provide documentation to support the hazard risk assessment	Is this Information Complete? YES / NO
Comments:	

PDM Planning Sub-Application Checklist

13. Assurances and Certifications: If applicable for your Applicant State/Tribe, complete the Summary Sheet for Assurances and Certification, FEMA Form 20-16; Assurances - Non-Construction Programs, FEMA Form 20-16A; Assurances-Construction Programs, FEMA Form 20-16B; Certification Regarding Lobbying; Debarment, Suspension and Other Responsible Matters; and Drug-Free Workplace Requirements, FEMA Form 20-16C; and Disclosure of Lobbying Activities, Standard Form LLL.	Is this Information Complete? YES / NO
Comments:	

Jurisdiction:

Instructions for Using the Plan Review Crosswalk for Review of Local Mitigation Plans

Attached is a Plan Review Crosswalk based on the **Multi-Hazard Mitigation Planning Guidance Under the Disaster Mitigation Act of 2000**, published by FEMA, dated March 2004. This Plan Review Crosswalk is consistent with **44 CFR Part 201 – Mitigation Planning, Interim Final Rule** (the Rule), in accordance with the **Stafford Act** (42 U.S.C. 5165), and **44 CFR Part 78.5 – Flood Mitigation Plan Development**, in accordance with the **National Flood Insurance Act of 1968** (42 U.S.C. 4104c et seq).

SCORING SYSTEM

N – Needs Improvement: The plan does not meet the minimum for the requirement. Reviewer's comments must be provided.

S – Satisfactory: The plan meets the minimum for the requirement. Reviewer's comments are encouraged, but not required.

Each requirement includes separate elements. All elements of a requirement must be rated "Satisfactory" in order for the requirement to be fulfilled and receive a summary score of "Satisfactory." A "Needs Improvement" score on elements shaded in gray (recommended but not required) will not preclude the plan from passing.

When reviewing single jurisdiction plans, reviewers may want to put an N/A in the boxes for multi-jurisdictional plan requirements. When reviewing multi-jurisdictional plans, reviewers may want to put an N/A in the prerequisite box for single jurisdiction plans.

States that have additional requirements can add them in the appropriate sections of the *Multi-Hazard Mitigation Planning Guidance* or create a new section and modify this Plan Review Crosswalk to record the score for those requirements.

Optional matrices for assisting in the review of sections on profiling hazards, assessing vulnerability, and identifying and analyzing mitigation actions are found at the end of the Plan Review Crosswalk.

The example below illustrates how to fill in the Plan Review Crosswalk.

Example

Assessing Vulnerability: Overview

- Multihazard Requirement §201.6(c)(2)(ii):** *[The risk assessment shall include a] description of the jurisdiction's vulnerability to the hazards described in paragraph (c)(2)(i) of this section. This description shall include an overall summary of each hazard and its impact on the community.*
- FMA Requirement §78.5(b):** *Description of the existing flood hazard and identification of the flood risk,, and the extent of flood depth and damage potential.*

Element	Location in the Plan (section or annex and page #)	Reviewer's Comments	SCORE			
			Stafford		FMA	
			N	S	N	S
A. Does the plan include an overall summary description of the jurisdiction's vulnerability to each hazard?	Section II, pp. 4-10	The plan describes the types of assets that are located within geographically defined hazard areas as well as those that would be affected by winter storms.		✓		✓
B. Does the plan address the impact of each hazard on the jurisdiction?	Section II, pp. 10-20	The plan does not address the impact of one of the five hazards addressed in the plan. Required Revisions: • Include a description of the impact of earthquakes on the assets. Recommended Revisions: • This information can be presented in terms of dollar value or percentages of damage.	✓			✓
SUMMARY SCORE			✓			✓

Jurisdiction:

Local Mitigation Plan Review and Approval Status

Jurisdiction:	Title of Plan:	Date of Plan:
Local Point of Contact:	Address:	
Title:		
Agency:		
Phone Number:		
E-Mail:		

State Reviewer:	Title:	Date:
-----------------	--------	-------

FEMA Reviewer:	Title:	Date:
Date Received in FEMA Region [Insert #]		
Plan Not Approved		
Plan Approved		
Date Approved		

Jurisdiction:	NFIP Status*			
	Y	N	N/A	CRS Class
1.				
2.				
3.				
4.				
5. [ATTACH PAGE(S) WITH ADDITIONAL JURISDICTIONS]				

* Notes:

Y = Participating

N = Not Participating

N/A = Not Mapped

Jurisdiction:

LOCAL MITIGATION PLAN REVIEW SUMMARY

The plan cannot be approved if the plan has not been formally adopted.

Each requirement includes separate elements. All elements of the requirement must be rated "Satisfactory" in order for the requirement to be fulfilled and receive a score of "Satisfactory." Elements of each requirement are listed on the following pages of the Plan Review Crosswalk. A "Needs Improvement" score on elements shaded in gray (recommended but not required) will not preclude the plan from passing. Reviewer's comments must be provided for requirements receiving a "Needs Improvement" score.

SCORING SYSTEM

Please check one of the following for each requirement.

N – Needs Improvement: The plan does not meet the minimum for the requirement.

Reviewer's comments must be provided.

S – Satisfactory: The plan meets the minimum for the requirement. Reviewer's comments are encouraged, but not required.

Prerequisite(s) (Check Applicable Box)

Adoption by the Local Governing Body:
§201.6(c)(5) and §78.5(f)

OR

Multi-Jurisdictional Plan Adoption: §201.6(c)(5)
and §78.5(f) **AND**

Multi-Jurisdictional Planning Participation:
§201.6(a)(3) and §78.5(a)

Planning Process

Documentation of the Planning Process:
§201.6(b) and §201.6(c)(1) and §78.5(a)

Risk Assessment

Identifying Hazards: §201.6(c)(2)(i) and §78.5(b)

Profiling Hazards: §201.6(c)(2)(i) and §78.5(b)

Assessing Vulnerability: Overview:
§201.6(c)(2)(ii) and §78.5(b)

Assessing Vulnerability: Identifying Structures:
§201.6(c)(2)(ii)(A) and §78.5(b)

Assessing Vulnerability: Estimating Potential
Losses: §201.6(c)(2)(ii)(B)

Assessing Vulnerability: Analyzing Development
Trends: §201.6(c)(2)(ii)(C)

Multi-Jurisdictional Risk Assessment:
§201.6(c)(2)(iii) and FEMA 299

STAFFORD		FMA	
NOT MET	MET	NOT MET	MET

N	S	N	S

N	S	N	S

Mitigation Strategy

Local Hazard Mitigation Goals: §201.6(c)(3)(i) and §78.5(c)

Identification and Analysis of Mitigation Actions:
§201.6(c)(3)(ii) and §78.5(d)

Implementation of Mitigation Actions:
§201.6(c)(3)(iii) and §78.5(d) and (e)

Multi-Jurisdictional Mitigation Actions:
§201.6(c)(3)(iv) and FEMA 299

STAFFORD		FMA	
N	S	N	S

Plan Maintenance Process

Monitoring, Evaluating, and Updating the Plan:
§201.6(c)(4)(i) and §78.5(e)

Incorporation into Existing Planning Mechanisms:
§201.6(c)(4)(ii)

Continued Public Involvement: §201.6(c)(4)(iii)

STAFFORD		FMA	
N	S	N	S

Additional State Requirements*

Insert State Requirement

Insert State Requirement

Insert State Requirement

STAFFORD		FMA	
N	S	N	S

LOCAL MITIGATION PLAN APPROVAL STATUS

PLAN NOT APPROVED

PLAN APPROVED

STAFFORD	FMA

*States that have additional requirements can add them in the appropriate sections of the *Multi-Hazard Mitigation Planning Guidance* or create a new section and modify this Plan Review Crosswalk to record the score for those requirements.

See Reviewer's Comments

Jurisdiction:

PREREQUISITE(S)

Adoption by the Local Governing Body

- **Multihazard Requirement §201.6(c)(5):** *[The local hazard mitigation plan **shall** include] documentation that the plan has been formally adopted by the governing body of the jurisdiction requesting approval of the plan (e.g., City Council, County Commissioner, Tribal Council).*
- **FMA Requirement §78.5(f):** *Documentation of formal plan adoption by the legal entity submitting the plan (e.g., Governor, Mayor, County Executive).*

Element	Location in the Plan (section or annex and page #)	Reviewer's Comments	SCORE			
			STAFFORD		FMA	
			NOT MET	MET	NOT MET	MET
A. Has the local governing body adopted the plan?						
B. Is supporting documentation, such as a resolution, included?						
SUMMARY SCORE						

Multi-Jurisdictional Plan Adoption

- **Multihazard Requirement §201.6(c)(5):** *For multi-jurisdictional plans, each jurisdiction requesting approval of the plan **must** document that it has been formally adopted.*
- **FMA Requirement §78.5(f):** *Documentation of formal plan adoption by the legal entity submitting the plan (e.g., Governor, Mayor, County Executive).*

Element	Location in the Plan (section or annex and page #)	Reviewer's Comments	SCORE			
			STAFFORD		FMA	
			NOT MET	MET	NOT MET	MET
A. Does the plan indicate the specific jurisdictions represented in the plan?						
B. For each jurisdiction, has the local governing body adopted the plan?						
C. Is supporting documentation, such as a resolution, included for each participating jurisdiction?						
SUMMARY SCORE						

Jurisdiction:

Multi-Jurisdictional Planning Participation

- **Multihazard Requirement §201.6(a)(3):** *Multi-jurisdictional plans (e.g., watershed plans) may be accepted, as appropriate, as long as each jurisdiction has participated in the process ... Statewide plans will not be accepted as multi-jurisdictional plans.*
- **FMA Requirement §78.5(a):** *Description of the planning process and public involvement. Public involvement **may** include workshops, public meetings, or public hearings.*

Element	Location in the Plan (section or annex and page #)	Reviewer's Comments	SCORE			
			STAFFORD		FMA	
			NOT MET	MET	NOT MET	MET
A. Does the plan describe how each jurisdiction participated in the plan's development?						
SUMMARY SCORE						

PLANNING PROCESS:

Documentation of the Planning Process

- **Multihazard Requirement §201.6(b):** *An open public involvement process is essential to the development of an effective plan. In order to develop a more comprehensive approach to reducing the effects of natural disasters, the planning process **shall** include:*
 - (1) *An opportunity for the public to comment on the plan during the drafting stage and prior to plan approval;*
 - (2) *An opportunity for neighboring communities, local and regional agencies involved in hazard mitigation activities, and agencies that have the authority to regulate development, as well as businesses, academia and other private and non-profit interests to be involved in the planning process; and*
 - (3) *Review and incorporation, if appropriate, of existing plans, studies, reports, and technical information.*
- **Multihazard Requirement §201.6(c)(1):** *[The plan **shall** document] the planning process used to develop the plan, including how it was prepared, who was involved in the process, and how the public was involved.*
- **FMA Requirement §78.5(a):** *Description of the planning process and public involvement. Public involvement **may** include workshops, public meetings, or public hearings.*

Element	Location in the Plan (section or annex and page #)	Reviewer's Comments	SCORE			
			STAFFORD		FMA	
			N	S	N	S
A. Does the plan provide a narrative description of the process followed to prepare the plan?						

Jurisdiction:

Element	Location in the Plan (section or annex and page #)	Reviewer's Comments	SCORE			
			STAFFORD		FMA	
			N	S	N	S
B. Does the plan indicate who was involved in the planning process? (For example, who led the development at the staff level and were there any external contributors such as contractors? Who participated on the plan committee, provided information, reviewed drafts, etc.?)						
C. Does the plan indicate how the public was involved? (Was the public provided an opportunity to comment on the plan during the drafting stage and prior to the plan approval?)						
D. Was there an opportunity for neighboring communities, agencies, businesses, academia, nonprofits, and other interested parties to be involved in the planning process?		Note: A "Needs Improvement" score on this requirement will not preclude the FMA plan from passing.				
E. Does the planning process describe the review and incorporation, if appropriate, of existing plans, studies, reports, and technical information?		Note: A "Needs Improvement" score on this requirement will not preclude the FMA plan from passing.				
SUMMARY SCORE						

RISK ASSESSMENT: §201.6(c)(2): *The plan shall include a risk assessment that provides the factual basis for activities proposed in the strategy to reduce losses from identified hazards. Local risk assessments must provide sufficient information to enable the jurisdiction to identify and prioritize appropriate mitigation actions to reduce losses from identified hazards.*

Identifying Hazards

- **Multihazard Requirement §201.6(c)(2)(i):** *[The risk assessment shall include a] description of the type ... of all natural hazards that can affect the jurisdiction.*
- **FMA Requirement §78.5(b):** *Description of the existing flood hazard and identification of the flood risk, including estimates of the number and type of structures at risk, repetitive loss properties, and the extent of flood depth and damage potential.*

Jurisdiction:

Element	Location in the Plan (section or annex and page #)	Reviewer's Comments	SCORE			
			STAFFORD		FMA	
			N	S	N	S
A. Does the plan include a description of the types of all natural hazards that affect the jurisdiction? If the hazard identification omits (without explanation) any hazards commonly recognized as threats to the jurisdiction, this part of the plan cannot receive a Satisfactory score. Consult with the State Hazard Mitigation Officer to identify applicable hazards that may occur in the planning area.						
SUMMARY SCORE						

Profiling Hazards

- **Multihazard Requirement §201.6(c)(2)(i):** *[The risk assessment shall include a] description of the ... location and extent of all natural hazards that can affect the jurisdiction. The plan shall include information on previous occurrences of hazard events and on the probability of future hazard events.*
- **FMA Requirement §78.5(b):** *Description of the existing flood hazard and identification of the flood risk,, and the extent of flood depth and damage potential.*

Element	Location in the Plan (section or annex and page #)	Reviewer's Comments	SCORE			
			STAFFORD		FMA	
			N	S	N	S
A. Does the risk assessment identify the location (i.e., geographic area affected) of each natural hazard addressed in the plan?						
B. Does the risk assessment identify the extent (i.e., magnitude or severity) of each hazard addressed in the plan?						
C. Does the plan provide information on previous occurrences of each hazard addressed in the plan?						
D. Does the plan include the probability of future events (i.e., chance of occurrence) for each hazard addressed in the plan?						
SUMMARY SCORE						

Jurisdiction:

Assessing Vulnerability: Overview

- **Multihazard Requirement §201.6(c)(2)(ii):** *[The risk assessment **shall** include a] description of the jurisdiction's vulnerability to the hazards described in paragraph (c)(2)(i) of this section. This description **shall** include an overall summary of each hazard and its impact on the community.*
- **FMA Requirement §78.5(b):** *Description of the existing flood hazard and identification of the flood risk,, and the extent of flood depth and damage potential.*

Element	Location in the Plan (section or annex and page #)	Reviewer's Comments	SCORE			
			STAFFORD		FMA	
			N	S	N	S
A. Does the plan include an overall summary description of the jurisdiction's vulnerability to each hazard?						
B. Does the plan address the impact of each hazard on the jurisdiction?						
SUMMARY SCORE						

Assessing Vulnerability: Identifying Structures

- **Multihazard Requirement §201.6(c)(2)(ii)(A):** *The plan **should** describe vulnerability in terms of the types and numbers of existing and future buildings, infrastructure, and critical facilities located in the identified hazard area*
- **FMA Requirement §78.5(b):** *Description of the existing flood hazard and identification of the flood risk, including **estimates of the number and type of structures at risk, repetitive loss properties**,*

Element	Location in the Plan (section or annex and page #)	Reviewer's Comments	SCORE			
			STAFFORD		FMA	
			N	S	N	S
A. Does the plan describe vulnerability in terms of the types and numbers of existing buildings (including repetitive loss structures) , infrastructure, and critical facilities located in the identified hazard areas?		Note: A "Needs Improvement" score on this requirement will not preclude the Stafford plan from passing.				
B. Does the plan describe vulnerability in terms of the types and numbers of future buildings, infrastructure, and critical facilities located in the identified hazard areas?		Note: A "Needs Improvement" score on this requirement will not preclude the plan from passing.				
SUMMARY SCORE						

Jurisdiction:

Assessing Vulnerability: Estimating Potential Losses

- Multihazard Requirement §201.6(c)(2)(ii)(B):** *[The plan **should** describe vulnerability in terms of an] estimate of the potential dollar losses to vulnerable structures identified in paragraph (c)(2)(i)(A) of this section and a description of the methodology used to prepare the estimate*

Element	Location in the Plan (section or annex and page #)	Reviewer's Comments	SCORE			
			STAFFORD		FMA	
			N	S	N	S
A. Does the plan estimate potential dollar losses to vulnerable structures?		Note: A "Needs Improvement" score on this requirement will not preclude the plan from passing.				
B. Does the plan describe the methodology used to prepare the estimate?		Note: A "Needs Improvement" score on this requirement will not preclude the plan from passing.				
SUMMARY SCORE						

Assessing Vulnerability: Analyzing Development Trends

- Multihazard Requirement §201.6(c)(2)(ii)(C):** *[The plan **should** describe vulnerability in terms of] providing a general description of land uses and development trends within the community so that mitigation options can be considered in future land use decisions.*

Element	Location in the Plan (section or annex and page #)	Reviewer's Comments	SCORE			
			STAFFORD		FMA	
			N	S	N	S
A. Does the plan describe land uses and development trends?		Note: A "Needs Improvement" score on this requirement will not preclude the plan from passing.				
SUMMARY SCORE						

Multi-Jurisdictional Risk Assessment

- Multihazard Requirement §201.6(c)(2)(iii):** *For multi-jurisdictional plans, the risk assessment **must** assess each jurisdiction's risks where they vary from the risks facing the entire planning area.*
- FMA FEMA 299 Guidance:** *The Plan should be coordinated with, and ideally developed in cooperation with, all of the local jurisdictions within the geographical area.*

Element	Location in the Plan (section or annex and page #)	Reviewer's Comments	SCORE			
			STAFFORD		FMA	
			N	S	N	S
A. Does the plan include a risk assessment for each participating jurisdiction as needed to reflect unique or varied risks?		Note: A "Needs Improvement" score on this requirement will not preclude the FMA plan from passing.				
SUMMARY SCORE						

Jurisdiction:

MITIGATION STRATEGY: §201.6(c)(3): *The plan shall include a mitigation strategy that provides the jurisdiction's blueprint for reducing the potential losses identified in the risk assessment, based on existing authorities, policies, programs and resources, and its ability to expand on and improve these existing tools.*

Local Hazard Mitigation Goals

- **Multihazard Requirement §201.6(c)(3)(i):** *[The hazard mitigation strategy **shall** include a] description of mitigation goals to reduce or avoid long-term vulnerabilities to the identified hazards.*
- **FMA Requirement §78.5(c):** *The applicant's floodplain management goals for the area covered by the plan.*

Element	Location in the Plan (section or annex and page #)	Reviewer's Comments	SCORE			
			STAFFORD		FMA	
			N	S	N	S
A Does the plan include a description of mitigation goals to reduce or avoid long-term vulnerabilities to the identified hazards? (GOALS are long-term; represent what the community wants to achieve, such as "eliminate flood damage"; and are based on the risk assessment findings.)						
SUMMARY SCORE						

Identification and Analysis of Mitigation Actions

- **Multihazard Requirement §201.6(c)(3)(ii):** *[The mitigation strategy **shall** include a] section that identifies and analyzes a comprehensive range of specific mitigation actions and projects being considered to reduce the effects of each hazard, with particular emphasis on new and existing buildings and infrastructure.*
- **FMA Requirement §78.5(d):** *Identification and evaluation of cost-effective and technically feasible mitigation actions considered.*

Element	Location in the Plan (section or annex and page #)	Reviewer's Comments	SCORE			
			STAFFORD		FMA	
			N	S	N	S
A. Does the plan identify and analyze a comprehensive range of specific mitigation actions and projects for each hazard?						
B Do the identified actions and projects address reducing the effects of hazards on new buildings and infrastructure?		Note: A "Needs Improvement" score on this requirement will not preclude the FMA plan from passing.				

Jurisdiction:

C. Do the identified actions and projects address reducing the effects of hazards on existing buildings and infrastructure?						
SUMMARY SCORE						

Implementation of Mitigation Actions

- **Multihazard Requirement: §201.6(c)(3)(iii):** *[The mitigation strategy section **shall** include] an action plan describing how the actions identified in section (c)(3)(ii) will be prioritized, implemented, and administered by the local jurisdiction. Prioritization **shall** include a special emphasis on the extent to which benefits are maximized according to a cost benefit review of the proposed projects and their associated costs.*
- **FMA Requirement §78.5(d):** *Identification and evaluation of cost-effective and technically feasible mitigation actions considered; and*
- **FMA Requirement §78.5(e):** *Presentation of the strategy for reducing flood risks and continued compliance with the NFIP, and procedures for ensuring implementation, reviewing progress, and recommending revisions to the plan.*

Element	Location in the Plan (section or annex and page #)	Reviewer's Comments	SCORE			
			STAFFORD		FMA	
			N	S	N	S
A. Does the mitigation strategy include how the actions are prioritized ? (For example, is there a discussion of the process and criteria used?)		Note: A "Needs Improvement" score on this requirement will not preclude the FMA plan from passing.				
B. Does the mitigation strategy address how the actions will be implemented and administered ? (For example, does it identify the responsible department, existing and potential resources, and timeframe?)						
B.1. Does the mitigation strategy address continued compliance with the NFIP?		Note: A "Needs Improvement" score on this requirement will not preclude the Stafford plan from passing.				
C. Does the prioritization process include an emphasis on the use of a cost-benefit review (see page 3-36 of <i>Multi-Hazard Mitigation Planning Guidance</i>) to maximize benefits?		Note: A "Needs Improvement" score on this requirement will not preclude the FMA plan from passing.				
C.1. Does the mitigation strategy emphasize cost-effective and technically feasible mitigation actions?		Note: A "Needs Improvement" score on this requirement will not preclude the Stafford plan from passing.				
SUMMARY SCORE						

Jurisdiction:

Multi-Jurisdictional Mitigation Actions

- **Multihazard Requirement §201.6(c)(3)(iv):** *For multi-jurisdictional plans, there **must** be identifiable action items specific to the jurisdiction requesting FEMA approval or credit of the plan.*
- **FMA FEMA 299 Guidance:** *The Plan should be coordinated with, and ideally developed in cooperation with, all of the local jurisdictions within the geographical area.*

Element	Location in the Plan (section or annex and page #)	Reviewer's Comments	SCORE			
			STAFFORD		FMA	
			N	S	N	S
A Does the plan include at least one identifiable action item for each jurisdiction requesting FEMA approval of the plan?						
SUMMARY SCORE						

PLAN MAINTENANCE PROCESS

Monitoring, Evaluating, and Updating the Plan

- **Multihazard Requirement §201.6(c)(4)(i):** *[The plan maintenance process **shall** include a] section describing the method and schedule of monitoring, evaluating, and updating the mitigation plan within a five-year cycle.*
- **FMA Requirement §78.5(e):** *Presentation of the strategy for reducing flood risks and continued compliance with the NFIP, and procedures for ensuring implementation, reviewing progress, and recommending revisions to the plan.*

Element	Location in the Plan (section or annex and page #)	Reviewer's Comments	SCORE			
			STAFFORD		FMA	
			N	S	N	S
A. Does the plan describe the method and schedule for monitoring the plan? (For example, does it identify the party responsible for monitoring and include a schedule for reports, site visits, phone calls, and meetings?)						
B. Does the plan describe the method and schedule for evaluating the plan? (For example, does it identify the party responsible for evaluating the plan and include the criteria used to evaluate the plan?)						
C. Does the plan describe the method and schedule for updating the plan within the five-year cycle?		Note: A "Needs Improvement" score on this requirement will not preclude the FMA plan from passing.				
SUMMARY SCORE						

Jurisdiction:

Incorporation into Existing Planning Mechanisms

- **Multihazard Requirement §201.6(c)(4)(ii):** *[The plan **shall** include a] process by which local governments incorporate the requirements of the mitigation plan into other planning mechanisms such as comprehensive or capital improvement plans, when appropriate.*

Element	Location in the Plan (section or annex and page #)	Reviewer's Comments	SCORE			
			STAFFORD		FMA	
			N	S	N	S
A. Does the plan identify other local planning mechanisms available for incorporating the requirements of the mitigation plan?		Note: A "Needs Improvement" score on this requirement will not preclude the FMA plan from passing.				
B. Does the plan include a process by which the local government will incorporate the requirements in other plans, when appropriate?		Note: A "Needs Improvement" score on this requirement will not preclude the FMA plan from passing.				
SUMMARY SCORE						

Continued Public Involvement

- **Multihazard Requirement §201.6(c)(4)(iii):** *[The plan maintenance process **shall** include a] discussion on how the community will continue public participation in the plan maintenance process.*

Element	Location in the Plan (section or annex and page #)	Reviewer's Comments	SCORE			
			STAFFORD		FMA	
			N	S	N	S
A. Does the plan explain how continued public participation will be obtained? (For example, will there be public notices, an on-going mitigation plan committee, or annual review meetings with stakeholders?)		Note: A "Needs Improvement" score on this requirement will not preclude the FMA plan from passing.				
SUMMARY SCORE						

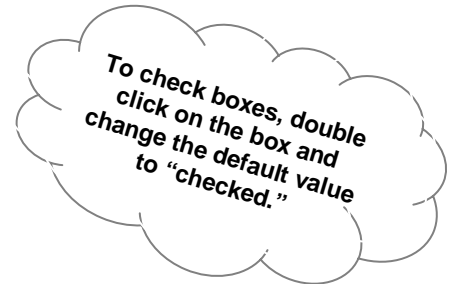
Jurisdiction:

Matrix A: Profiling Hazards

This matrix can assist FEMA and the State in scoring each hazard. Local jurisdictions may find the matrix useful to ensure that their plan addresses each natural hazard that can affect the jurisdiction. **Completing the matrix is not required.**

*Note: First, check which hazards are identified in requirement §201.6(c)(2)(i). Then, place a checkmark in either the N or S box for each **applicable** hazard. An "N" for any element of any identified hazard will result in a "Needs Improvement" score for this requirement. List the hazard and its related shortcoming in the comments section of the Plan Review Crosswalk.*

Hazard Type	Hazards Identified Per Requirement §201.6(c)(2)(i)	A. Location		B. Extent		C. Previous Occurrences		D. Probability of Future Events	
	Yes	N	S	N	S	N	S	N	S
Avalanche	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Coastal Erosion	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Coastal Storm	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Dam Failure	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Drought	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Earthquake	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Expansive Soils	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Extreme Heat	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Flood	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Hailstorm	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Hurricane	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Land Subsidence	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Landslide	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Severe Winter Storm	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Tornado	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Tsunami	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Volcano	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Wildfire	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Windstorm	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Legend:**

§201.6(c)(2)(i) Profiling Hazards

- A. Does the risk assessment identify the location (i.e., geographic area affected) of each hazard addressed in the plan?
- B. Does the risk assessment identify the extent (i.e., magnitude or severity) of each hazard addressed in the plan?
- C. Does the plan provide information on previous occurrences of each natural hazard addressed in the plan?
- D. Does the plan include the probability of future events (i.e., chance of occurrence) for each hazard addressed in the plan?

Jurisdiction:

Matrix B: Assessing Vulnerability

This matrix can assist FEMA and the State in scoring each hazard. Local jurisdictions may find the matrix useful to ensure that their plan addresses each requirement. **Completing the matrix is not required.**

*Note: First, check which hazards are identified in requirement §201.6(c)(2)(i). Then, place a checkmark in either the N or S box for each **applicable** hazard. An “N” for any element of any identified hazard will result in a “Needs Improvement” score for this requirement. List the hazard and its related shortcoming in the comments section of the Plan Review Crosswalk.*

Note: Receiving an N in the shaded columns will not preclude the plan from passing.

To check boxes, double click on the box and change the default value to “checked.”

Hazard Type	Hazards Identified Per Requirement §201.6(c)(2)(i)	A. Overall Summary Description of Vulnerability	B. Hazard Impact	A. Types and Number of Existing Structures in Hazard Area (Estimate)	B. Types and Number of Future Structures in Hazard Area (Estimate)	A. Loss Estimate	B. Methodology
	Yes						
Avalanche	<input type="checkbox"/>	§201.6(c)(2)(ii) Assessing Vulnerability: Overview	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Coastal Erosion	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Coastal Storm	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Dam Failure	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Drought	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Earthquake	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Expansive Soils	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Extreme Heat	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Flood	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Hailstorm	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Hurricane	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Land Subsidence	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Landslide	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Severe Winter Storm	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Tornado	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Tsunami	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Volcano	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Wildfire	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Windstorm	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other _____	<input type="checkbox"/>		§201.6(c)(2)(ii) Assessing Vulnerability: Identifying Structures	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other _____	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other _____	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		§201.6(c)(2)(ii) Assessing Vulnerability: Estimating Potential Losses	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Legend:

§201.6(c)(2)(ii) Assessing Vulnerability: Overview

- A. Does the plan include an overall summary description of the jurisdiction's vulnerability to each hazard?
- B. Does the plan address the impact of each hazard on the jurisdiction?

§201.6(c)(2)(ii)(A) Assessing Vulnerability: Identifying Structures

- A. Does the plan describe vulnerability in terms of the types and numbers of existing buildings, infrastructure, and critical facilities located in the identified hazard areas?

- B. Does the plan describe vulnerability in terms of the types and numbers of future buildings, infrastructure, and critical facilities located in the identified hazard areas?

§201.6(c)(2)(ii)(B) Assessing Vulnerability: Estimating Potential Losses

- A. Does the plan estimate potential dollar losses to vulnerable structures?
- B. Does the plan describe the methodology used to prepare the estimate?

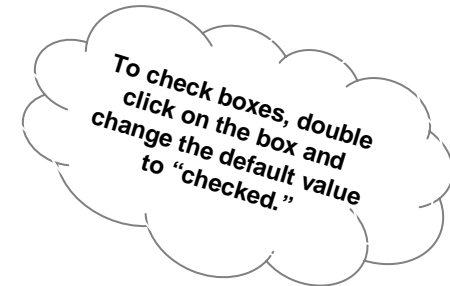
Jurisdiction:

Matrix C: Identification and Analysis of Mitigation Actions

This matrix can assist FEMA and the State in scoring each hazard. Local jurisdictions may find the matrix useful to ensure consideration of a range of actions for each hazard. **Completing the matrix is not required.**

*Note: First, check which hazards are identified in requirement §201.6(c)(2)(i). Then, place a checkmark in either the N or S box for each **applicable** hazard. An “N” for any identified hazard will result in a “Needs Improvement” score for this requirement. List the hazard and its related shortcoming in the comments section of the Plan Review Crosswalk.*

Hazard Type	Hazards Identified Per Requirement §201.6(c)(2)(i)	A. Comprehensive Range of Actions and Projects	
	Yes	N	S
Avalanche	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Coastal Erosion	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Coastal Storm	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Dam Failure	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Drought	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Earthquake	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Expansive Soils	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Extreme Heat	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Flood	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Hailstorm	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Hurricane	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Land Subsidence	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Landslide	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Severe Winter Storm	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Tornado	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Tsunami	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Volcano	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Wildfire	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Windstorm	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Legend:**

§201.6(c)(3)(ii) Identification and Analysis of Mitigation Actions

A. Does the plan identify and analyze a comprehensive range of specific mitigation actions and projects for each hazard?

Appendix 5

Appeal Process



**WASHINGTON MILITARY DEPARTMENT
Emergency Management Division**

**Mitigation Grant Programs
Applicant Appeal Process - State Level**

I. CRITERIA FOR APPEAL

Jurisdictions may appeal a decision of the Division staff or the Mitigation Grant Review Committee based on the following:

- A. Failure by the Department staff or Committee to follow established the state's processes outlined herein.
- B. Arbitrary or capricious decisions by the Department staff or Committee.

II. APPEAL PROCESS AND TIMELINE

All jurisdictions will receive formal notification of their recommended for funding / non-recommended for funding status. This information also will be provided to the Military Department's Emergency Management Division Director.

Description of the application ranking and selection process for recommendation / non recommendation for funding are found in Section IX (B)(2), Ranking Process and Criteria, pages 14; and Section IX (B)(3), Selection of Projects, page 14, of the *Hazard Mitigation Grant Programs Administrative Guidelines and Procedures*, March 2008.

- A. Recommended applications: Those jurisdictions whose projects are initially recommended for funding will be notified whether there is, or is not, an appeal of the Division staff's / Committee's recommendations.
 - An appeal will delay all recommendations forwarded to the Emergency Management Division Director, until the appeal process is complete.
 - A successful appeal may result in a re-ranking of the recommended projects and could affect funding for one or more projects.
- B. Non-Recommended applications: Those jurisdictions whose projects initially are not recommended for funding by the Division staff or Committee will be provided the specific reason for non-recommendation.

Should an applicant wish to appeal the non-recommendation of their project, they must:

- Within 15 days of receipt of formal notice of non-recommendation, respond in writing to the specific items causing non-recommendation, with full justification or clarification to the Division staff / Mitigation Grant Review Committee.

Mitigation Grant Programs

- The Division staff / Committee will review the appeal, make such additional investigations as necessary, and forward the appeal with a written recommendation to the Emergency Management Division Director.
- C. The Emergency Management Division Director will review the material submitted and make any additional investigations as deemed appropriate.
- The jurisdiction will be notified of the Director's decision within 10 days of the Department's receipt of the formal "Appeal of Determination" packet.
- D. If the Emergency Management Division Director denies the appeal:
- The original list of recommendations of the Division staff / Committee will be forwarded to The Adjutant General, State Military Department, with a copy of the appeal results.
 - All applicants will be notified of the appeal recommendation results and the appeal process has been completed.
- E. If the Emergency Management Division Director finds in favor of the appeal, the Department staff / Mitigation Grant Review Committee will take appropriate implementing actions:
- The entire listing of recommended projects will be re-ranked.
 - Affected jurisdictions will be notified, and they not be allowed to appeal this decision.
 - A revised recommendation packet will be forwarded to The Adjutant General, State Military Department, with appropriate documentation and explanation of appeal results.
- F. All decisions of The Adjutant General, State Military Department, are final.

III. CRITERIA FOR SELECTION

The project must meet federal eligibility criteria referenced in 44 CFR 206.434. To be eligible, the project must demonstrate that it:

- A. Conforms with the State Enhanced Hazard Mitigation Plan and a local mitigation plan.
- B. Has a beneficial impact on the disaster-affected area.
- C. Conforms with Executive Order 11988 on Floodplain Management, and Executive Order 11990 on Protection of Wetlands. (See CFR 44 Part 9 and/or Part 10.)
- D. Solves a problem independently or will be a functional part of a solution with assurance that the whole project will be completed. (Projects that merely identify or analyze the hazard or problem are not eligible.)

- E. Will be cost-effective and substantially reduce risk of future damage, hardship, loss, or suffering. This must be demonstrated by documenting that the project:
1. Addresses a repetitive problem, or one that poses a significant risk to public health and safety if left unsolved.
 2. Will not cost more than the anticipated value of the reduction in both direct damages and subsequent negative impacts to the area if future disasters were to occur.
 3. Has been determined to be the most practical, effective, and environmentally sound alternative after consideration of a range of options.
 4. Contributes to a long-term solution to the extent practicable.
 5. Considers long-term changes to the areas and entities it protects, and has manageable future maintenance and modification requirements.

IV. CRITERIA FOR NON-SELECTION

These are the established criteria for **NON-SELECTION** of applications for recommendation to the Emergency Management Division Director and the Federal Emergency Management Agency for funding:

- A. Application and/or supporting materials were not received by the deadline.
- B. Applicant is not participating “and in good standing” in the National Flood Insurance Program (NFIP).
- C. Applicant is not in compliance with state Growth Management Act (GMA) **OR** is not making progress to resolve non-compliance issues identified by one of the state’s Growth Management Hearings Boards, as certified by the Department of Community, Trade, and Economic Development (CTED).
- B. Grant request exceeds established funding limits.
- C. Project does not meet eligibility criteria in 44 CFR 206.434, or fails to meet scoring minimums based upon eligibility criteria. (Please See III above.)
- D. Project does not meet National Environmental Policy Act requirements for early, documented public input in the selection of alternatives.
- E. Project merely identified or analyzed the hazard or problem (studies).
- F. Mitigation grant funds cannot be used as a substitute or replacement to fund projects or programs that are available under other federal authorities, except when there are limited circumstances such as extraordinary threats to lives, public health or safety, or improved property.